THE VA SECURITY SERVICE

HEARING

BEFORE THE

SUBCOMMITTEE ON
OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON VETERANS' AFFAIRS
HOUSE OF REPRESENTATIVES

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SECOND SESSION

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THE VA SECURITY SERVICE

THURSDAY, MAY 19, 1988

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 9:02 a.m., in room 334, Cannon House Office Building, Hon. Lane Evans (chairman of the subcommittee) presiding.

Present: Representatives Evans, Johnson, and Stump.

OPENING STATEMENT OF CHAIRMAN EVANS

Mr. EVANS. The subcommittee will come to order.

Good morning. The subject of our hearing today is the Veterans' Administration Security Service. We have many witnesses who will be testifying on several subjects we hope to examine, so I will keep my remarks brief.

The Veterans' Administration Security Service and VA police officers individually have important, if not always appreciated, responsibilities. I reviewed much of the testimony last night, and as a former security guard in the Marine Corps, I know how difficult some of these jobs are, particularly when we are requiring more of these VA officers than just being security guards.

Among the responsibilities that our police officers in the VA have are preventing crime; protecting patients, visitors, and staff; safeguarding Federal property; and maintaining law and order.

When a crime occurs, VA police officers assume added responsibilities. They are expected to investigate the crime; apprehend, handle, and transfer the offender to an appropriate law enforcement agency; fully report the crime; assist other criminal investigators; and take appropriate action to revise security measures in order to deter or prevent a recurrence of crime.

There have been several indications recently that several problems exist in the Security Service. Individuals who are not qualified or suitable to be VA police officers have been hired; crimes are not being reported; official records and reports are inadequate and inaccurate; crimes are not being investigated; violations against offenders are dismissed because of police laxity; required in-service training for police officers is ignored or trivialized; and the list goes on and on.

These problems parallel those identified in 1981 and 1982 during hearings conducted by the Subcommittee on Hospitals and Health Care. At that time, the chairman of the subcommittee was assured

that corrective action would be taken, but, obviously, that assurance has been ignored.

We want to know why these problems haven't been corrected, what is being done to correct them now, and when they will, in fact, be corrected. We also want to know if action will be taken to prevent them from recurring again in the future.

Because many questions may be generated today, I anticipate written questions may be submitted to several of our witnesses. Those questions and written responses made to them will also be part of the record.

We will soon be joined, I understand, by Congressman Bob Stump who is on his way. We will recognize him when he arrives. Perhaps we can get started and go ahead with our first witness.

At this time, I am going to call our first witness, Erin McDonnell, Deputy Special Counsel, Office of the Special Counsel, and ask her to come forward. Because of the numbers of witnesses, the subcommittee will appreciate any brevity of the prepared statements which all the witnesses have previously submitted. Without objection, they will be made part of the official record of this hearing.

Ms. McDonnell, you may proceed whenever you are ready.

STATEMENT OF ERIN MCDONNELL, DEPUTY SPECIAL COUNSEL, OFFICE OF THE SPECIAL COUNSEL

Ms. MCDONNELL. Thank you, Mr. Chairman.

On behalf of Special Counsel Mary Wieseman and the Office of Special Counsel, I want to thank the subcommittee for the opportunity to present the OSC's views on the policies, practices, procedures, operations, and effectiveness of security service operations at Veterans' Administration medical centers, or VAMC's.

The Special Counsel formally conveyed the observations and recommendations that I will discuss today in a letter to Acting VA Inspector General Renald Morani on March 31 of this year. I have provided a copy of that letter for the record of this hearing.

Mr. EVANS. Without objection, that will be made part of the record.

[See. p. 53.]

Ms. MCDONNELL. Thank you.

The Special Counsel's letter responded to an earlier request from then-Inspector General Frank Sato who invited her to provide his office with the benefit of any of our observations and recommendations concerning VA police practices. At the time of Inspector General Sato's request, the OIG and the OSC were engaged in investigations of allegations that Security Service officials at the Cincinnati VAMC had taken reprisals against former officers for their charges of brutality and that those same officials had physically abused patients and visitors to the hospital, including veterans.

I am constrained to note the presence at today's hearing of the Government Accountability Project and the continuation of its virulent attacks on the integrity and professionalism of the OSC and its employees, particularly in regard to the Cincinnati investigation. I have no way of knowing their credentials as veterans or as expert police investigators.

I do want to say today, however, that the OSC committed 8 of its approximately 23 investigators to what promised to be, and was, an extraordinary investigation. Each and every member of that team, male and female, is a veteran of the Army, Navy, and last but not least, the Marines.

Both Associate Special Counsel for Investigation Robert L'Heureux, who is with me today in the audience, and the supervisory investigator are former Marine Corps officers who served with distinction in Vietnam. At least one of the investigative team is also a disabled veteran. These 8 investigators have over 160 years of Federal and State investigative experience between them, 4 in metropolitan police departments, including 2 with internal affairs divisions in those departments.

To use the words "biased" and "unprofessional" to describe their efforts, as GAP's testimony does, invites incredulity and even derision. No one was more thoroughly committed from the first day of that investigation to finding reliable evidence of brutality against veterans at a VAMC than they were.

Their investigation report and the OSC's 101-page legal analysis of that report is available for the record of this hearing. They catalogued a daunting array of problems with the principal complainant's claim of reprisal from his initial allegations of brutality to his refusal to return to his job when ordered to do so—despite the best advice of the Office of Special Counsel, I might add.

GAP lawyers could have assisted their client in support of his claim of reprisal in his appeal to the Merit Systems Protection Board last May. Instead, he withdrew the appeal within days of the scheduled hearing.

If this was as clear cut a case of reprisal as they have claimed, then their decision not to pursue that appeal fully a year ago is inexplicable. Instead, GAP attacks the OSC for being unable to do what they chose not to do, that is, to—

Mr. EVANS. Ms. McDonnell?

Ms. MCDONNELL. Yes, sir?

Mr. EVANS. I appreciate your statements, and I understand your desire to maintain your credibility and so forth, but really the focus of this hearing is on the VA Security Service. I know that GAP in its testimony does refer to many of these things, and I am also going to talk to them about that right before they testify, but we are under a limited time constraint today, and I would appreciate it if you could focus on what you have done in the area of the Security Service.

If you want to conclude in a sentence or two, I didn't mean to interrupt, and I know you feel very strongly about this.

Ms. MCDONNELL. I was almost concluded, Mr. Chairman, and I wanted to cover this not just in response to some of what I understand GAP will be saying, but it also relates to the recommendations that we made in ways that I will explain in a moment. I was just at that point.

Mr. EVANS. All right. Sorry to interrupt.

Ms. MCDONNELL. Thank you.

I recognize that time does not permit me to respond today fully to GAP's testimony adequately, so I request the opportunity to

submit any further response that we might care to make for the record of this hearing.

Mr. EVANS. Without objection, so ordered.

Ms. MCDONNELL. Thank you.

If the observations and recommendations that I am here to discuss today have merit, it derives from the collective experience of the investigators and attorneys in our office and inquiries involving Security Service personnel. The observations and recommendations reported in the Special Counsel's letter to the Acting IG derive from our experience since 1983 in three separate investigations of alleged prohibited personnel practices involving Security Service personnel at two VAMC's.

These three investigations concentrated closely on disputed personnel matters and decisions rather than on the economy, efficiency, or effectiveness of VA police operations generally. As a consequence, the OSC does not claim wide exposure to police practices generally at the VAMC's, but each OSC field investigation of allegations involving Security Service personnel has been intensive. Our on-site inquiries have produced indications of possible weaknesses in VA police policies and procedures.

The particular observations and recommendations reported by the Special Counsel in her letter to the Acting Inspector General were as follows:

1. If the VA continues to believe that VAMC's require police rather than security guards, much better training and supervision are necessary, possibly at the Federal Law EnForcement Training Center in Glynco, Georgia.

2. The VA should establish a professional central office staff to oversee all VA police practice, policy, training, and performance. This staff should review all complaints about VA police conduct, should conduct strict military-type unannounced inspections to review records, inventory evidence and property, and both observe and examine police concerning their understanding of applicable laws and established procedures. The VAMC directors should be specifically instructed on the parameters of day to day direction of police activities by both directives and training.

3. No VAMC chief of police should be in a position of negotiating the resignation of an employee found by the police to have committed a criminal violation or other infraction. Any such negotiations should be conducted within the chain of authority over the employee.

The VAMC itself should not "settle" criminal misdemeanors unless the U.S. Attorney has declined prosecution or unless a declination agreement is in force.

4. We noticed numerous undocumented detentions to have occurred, some of which became controversial. Detailed incident reports should be made and retained, both as good administrative practice and to facilitate future investigations of complaints.

5. VA police were used in one case to subdue a delirious patient for treatment. This appears to us to be more appropriately a medical matter or responsibility. If the police are used to subdue patients, the police or attending medical staff or both should be required to make detailed reports of each incident.

6. Evidence seized by VA police should be carefully accounted for and should be subjected to periodic, scrupulous inspection.

7. Only properly trained, demonstrably qualified persons should conduct criminal investigations in VAMC's. Felony criminal investigations and all undercover investigations should only be conducted by or with the approval of the OIG and be carefully reported and closely supervised.

We have reviewed the recent OIG audit reports on Security Service operations at two VAMC's. The audits indicate systemic problems of the kind that would help explain at least some of the problems that we have observed in our investigations.

In turn, we have reason to believe from our discussions with VA IG officials that many of our observations correlate to deficiencies that their office has noted in Security Service operations and procedures. That said, we must defer to any audit or investigative findings by that office to which oversight of the economy, efficiency, and effectiveness of VA's Security Service operations as a whole is committed by the Inspector General Act.

Mr. Chairman, Mr. Stump, this concludes my prepared statement. I would be happy to answer any questions that the members of the subcommittee may have at this time.

[The prepared statement of Ms. McDonnell appears on p. 47.]

Mr. EVANS. Thank you.

Before we ask you questions, I would like to recognize Congressman Bob Stump for any opening comments he may have.

Mr. STUMP. Mr. Chairman, thank you. I apologize to you and the members of the committee for being late. I had another meeting to preside over at 8:00 this morning, and I could not get here any sooner.

Mr. Chairman, I commend you for holding this most timely hearing on the Veterans' Administration Security Service. From the information already available to the committee, it certainly appears that the VA Security Service has serious problems, but no useful purpose is served by attacking the integrity of public officials before this subcommittee. We try to be fair and objective, and I hope that no witness is going to abuse the forum we provide.

Our purpose is not to throw rocks. Rather, we seek to better define the Security Service's needs and determine what legislative action by this subcommittee may be necessary.

Thank you, Mr. Chairman.

Mr. EVANS. Thank you, Mr. Stump.

Ms. McDonnell, I know you testified that many VA police officers with whom your office had had contact don't appear to be well trained. Can you report on any consequences of their apparent inadequate training?

Ms. MCDONNELL. Let me begin by citing two or three examples and then just the consequences of perhaps the most significant.

One police officer in one investigation that we conducted recently was then serving as an assistant chief of police and did not know that fingerprints can be obtained from Federal employees in noncriminal investigations. Certainly, we thought that a police official at that level ought to know that basic information.

Another police officer could not demonstrate for OSC investigators a correct come-along hold on one of our investigators which is

a basic police restraint technique. When our investigator pointed out to the officer who was an officer of some six or seven years with the Security Service that one of the investigator's arms was free to attack the police officer, the officer said, in effect, I must have it wrong and attempted unsuccessfully to figure out how to apply the hold correctly.

However, of more systemic significance, in our view, was the inadequacy or general sloppiness of record keeping and reporting that we observed in some of the VAMC's that we visited. We noted significant problems with some of the district court violation notices.

Violation notices were incorrectly filled out. The information contained in some district violation notices was internally inconsistent. Significant numbers of them had to be voided or dismissed because of these procedural errors. In some cases, we observed that the incorrect completion of district court violation notices resulted in the wrong individual being charged which we think is a substantial threat, a substantial deficiency.

We noted in another investigation that two detectives engaged in investigations of potential criminal activities reported in one case that they had obtained marijuana from a worker at the center and, in another case, reported the theft of property by a police officer employed in the Security Service. Yet, there was no record, no documentation made by them of any follow-up investigation.

In the case involving the marijuana seizure, there was no record of the marijuana in the evidence logs anywhere. There was no record that the marijuana had been sent to the laboratory or that it had been tested and found to be marijuana.

In the other instance involving the reported theft of property by a police officer, again, there was no record of any follow-up investigation by these two detectives of what would seem to be a significant offense by a law enforcement official at that center.

So, as to the consequences, I think there are several. First of all, it is just a basic tenet of proper administrative and police procedure that accurate, contemporaneous records should be made of these very significant activities that are being undertaken, including detentions and arrests, both for administrative purposes and for use in court appearances, for introduction into evidence in court proceedings if necessary, as a record in case, as has happened or certainly happened in the Cincinnati case, complaints are made later on.

The records, contemporaneous and completely made, provide a basis for effective investigation. At times, our investigative efforts were thwarted by the absence of—I wouldn't say thwarted, excuse me. I would say they were made more difficult by the absence of adequate documentation.

Mr. EVANS. Now, your office has conducted three investigations of alleged prohibited personnel practices involving Security Service members at two medical centers. Can you summarize the allegations and investigations and the results, and were these allegations substantiated or not substantiated?

Ms. MCDONNELL. We have conducted more than three investigations, Mr. Chairman. My reference to three investigations was meant to indicate that the recommendations and the supporting

examples that were contained in the Special Counsel's letter were derived from three of a number of OSC investigations.

I would say that there have been approximately five significant, intensive field investigations by the OSC of VAMC Security Service matters.

The first is the Cincinnati investigation. I believe you are familiar with that matter, so I won't discuss that in detail.

The OSC recently concluded in that case with respect to one complainant's case, Mr. Berter's case, that we could not establish satisfactorily that his removal was a reprisal rather than because of his poor performance and the indisputable and insurmountable fact that he refused to come back to his job when he was ordered by the VA to come back to the job.

That case is still pending, and I would prefer not to discuss the details of this case at this time.

The second case is also pending. It involves a VA police whistleblower who, along with another employee, complained to our office that he was removed from his position at the VAMC in Palo Alto as a result of a letter that he had written documenting irregularities in the management or administration at that center.

In cooperation with the Office of Inspector General at the VA, we requested of Administrator Turnage last November that this police officer be reinstated to his job, and that was accomplished in November. The case is still open for other purposes at the present time.

Another investigation was conducted by our office to determine whether or not a police officer was the victim of a reprisal for his testimony in a hearing. We were unable to develop sufficient evidence that any personnel action was taken against this officer in reprisal for his testimony and was closed.

A related investigation was conducted into possible violations of the standards of conduct by two police officers with the Veterans' Administration. That investigation was closed due to insufficient evidence, but information developed during the course of this investigation regarding the activities of two detectives is the basis for some of the recommendations that the Special Counsel has recorded.

The fifth significant matter involved allegations by a Security Service employee of sexual harassment, racial discrimination, and other violations. The OSC investigated and was unable to substantiate sufficiently the charges of sexual harassment and racial discrimination, but in accordance with our general policy in these types of cases, we deferred further inquiry to the Equal Employment Opportunity Commission.

Finally, the OSC conducted an investigation several years ago into allegations by another police officer at the VAMC in Palo Alto who alleged reprisal for his whistleblowing when he wrote to Congress and made reports to the Inspector General concerning the rise in crime at VAMC's, the need for better pay, the need for improved grade structures, the need for weapons other than mace, and what he regarded to be the dismissal of traffic citations improperly.

The Office of Special Counsel also investigated in that case an allegation that another police officer was given an unauthorized and

unlawful preference in being given a promotion for which the first police officer was competing.

We prosecuted the chief of police in that case. We brought a disciplinary action against the chief of police charging him with reprisal for whistleblowing and for conferring an unauthorized preference on the employee who was selected for the promotion. We won that action and obtained the chief's demotion to a non-supervisory police officer position. I believe he retired shortly thereafter.

We also obtained corrective action for the whistleblower in that case who was selected for the promotion which had been improperly denied him. The incumbent of that position who had been improperly or who had been given the unauthorized preference was demoted from that position as a result of that action.

Mr. EVANS. Thank you.

The gentleman from Arizona?

Mr. STUMP. I have no questions at this time, Mr. Chairman.

Mr. EVANS. We have a number of witnesses, and I do have other questions which I would like to submit to you in writing and have you respond.

Thank you.

Ms. MCDONNELL. Thank you, Mr. Chairman.

Mr. EVANS. Our next witness is the Acting Inspector General of the Veteran's Administration, Renald Morani. Inspector General Morani is accompanied today by Assistant Inspector Generals Ken Furukawa and Bob Hincken.

Again, without objection, your statement will be made part of the record, and you may proceed in any manner you choose.

STATEMENT OF RENALD P. MORANI, ACTING INSPECTOR GENERAL, VETERANS' ADMINISTRATION; ACCOMPANIED BY KENNETH T. FURUKAWA, ASSISTANT INSPECTOR GENERAL FOR AUDITING; AND ROBERT HINCKEN, ASSISTANT INSPECTOR GENERAL FOR INVESTIGATIONS

Mr. MORANI. Thank you, Mr. Chairman.

Accompanying me today are Mr. Ken Furukawa, the Assistant Inspector General for Auditing; and Mr. Robert Hincken, the Assistant Inspector General for Investigations.

Mr. Chairman and members of the subcommittee, I am pleased to be here today to discuss the results of our recent audits of the VA Security Service and the status of our audits currently in process.

Since April of 1986, the Office of Inspector General has received a number of complaints via the hot line concerning VA police officers. Allegations include unprofessional conduct, criminal histories, excessive use of force, and inadequate training. Some of these issues were also reported in newspapers.

The Administrator expressed concern with the allegations. As a result, we started a nationwide audit of the VA Security Service in August of 1987.

Our primary objectives are to determine whether police officer applicants are adequately screened and meet OPM requirements for employment, whether VA police officers are adequately trained,

and whether Federal laws are adequately enforced and crimes are properly investigated and reported.

To date, audit reports have been issued on Security Service activities at two VAMC's, New Orleans and Oklahoma City. These audits have identified several conditions, as follows:

From our review of hiring procedures we found at the two medical centers, about 25 of 43 police officers either did not have the required two years of arrest authority experience when they were hired or were terminated or resigned from law enforcement agencies and other employers under questionable circumstances.

Also, we found pre-employment arrest checks were not always made to identify criminal records. We found that 3 of the 43 officers at the two audit sites had been convicted of past criminal acts.

We found VA field hiring officials did not always contact prior law enforcement employers to determine whether applicants were qualified or suitable for police officer positions.

Our review of training operations disclosed that local in-service training for police officers was inadequate. At the two sites reviewed, less than 8 hours of in-service training was provided annually to each officer. Detectives had received no specialized training in criminal investigations.

In the functions of law enforcement operations, we found the following:

Crimes committed against the Government and people at medical centers were not always adequately investigated by VA police officers. About 14 percent of the cases we reviewed had no preliminary investigations conducted.

Furthermore, 79 percent of these cases had no follow-up investigations by detectives or supervisory policy officers, even though preliminary reports recommended that further investigations be accomplished. This occurred at one location because the case assignment register was not used to monitor follow-up instructions.

In addition, monthly crime reports did not accurately record crime statistics at the medical centers. We could not always identify source documents supporting entries into crime reports. Errors were identified in all the reports that we reviewed.

We found a total of 159 cases involving missing or stolen government property valued at $140,000 was not reported to the FBI as required.

Also, U.S. District Court violation notices were not always processed in accordance with the rules of the court. At one location, about 50 percent of the violation notices were dismissed because they were not properly completed or processed timely.

At the other location, police officers failed to appear at 8 of 12 scheduled hearings during a 5-month period. These cases were dismissed by the court because officers who issued the violation notices did not testify on behalf of the government.

We made specific recommendations for improvements in the following areas:

One, to ensure that applicants for police officer positions are qualified and suitable for employment before hiring them;

two, increase the amount of in-service training provided for on-duty police officers;

three, properly investigate and accurately report all crimes which occur; and

four, process violation notices in a timely and accurate manner.

The local VA officials agreed with our findings and recommendations and have taken prompt action to correct the conditions reported.

Because of the significance of these conditions, we advised DM&S officials of the need for immediate management action to review the qualifications of police officers and to implement procedures to preclude the hiring of unqualified or unsuitable applicants for police officer positions. As a result of these meetings, management has established a task force to evaluate and improve pre-employment screening and to determine the appropriate security classification and related level of background investigations for police officer positions.

As part of our on-going nationwide audit, we are currently making evaluations of the Security Service at six additional medical centers. Preliminary evaluations have identified several similar conditions to those found at New Orleans and Oklahoma City.

We expect to have the field reviews completed and the summary report concerning the management, organization, and operation of the VA Security Service issued in September of 1988.

That concludes my oral statement, Mr. Chairman. We will be pleased to answer any questions you may have.

[The prepared statement of Mr. Morani appears on p. 56.]

Mr. EVANS. Thank you very much.

I wanted to ask you, have you actually had a chance to read either of the two unions' testimony?

Mr. MORANI. No, I haven't, sir.

Mr. EVANS. Well, I hope you will stay, because I think in requiring all these things that you are recommending, as I guess we have to expect, we are requiring more and more out of a force that is stretched out in terms of its personnel, does not receive training, and so forth. I don't see any recommendations here about looking at increasing the pay or improving the living conditions.

While I support requiring them to properly investigate and accurately report all crimes, without the help in terms of either the numbers of personnel or the pay that they receive or their training, I am not sure how we do that. I don't know if you have any recommendations in that regard or not, but I don't think you can simply say we are now going to require that these undertrained, underpaid public servants of ours are now going to do all these additional things that they are not able to do right now.

Do you have any response to that comment of mine?

Mr. MORANI. When we complete the full field review and we analyze the conditions that exist at various locations, all eight locations, it may very well include comments tying together pay and suitability of the applicants. It would be a little premature at this time to definitely state that this will be made a matter of record, but it is a matter of interest to us.

Mr. EVANS. How would you look into that issue? Would you interview employees of the VA, the security officers themselves in some random way or—

Mr. MORANI. There are a couple of ways we would do it. If the condition were to require it, we could interview people who were applicants and qualified and did not accept the position to determine what their reasons were. Pay may have been the number one reason. Others may have declined the position for other reasons, but that is one method that we could use.

Mr. EVANS. I would also like you, if possible, to look into the issue of people moving from the VA to other Federal security jobs. It seems as if perhaps, if I understand it correctly, we require more out of the people that come to the VA than many other law enforcement agencies in those localities. We don't pay them as much, and then we quite often lose them to other police departments in the localities and, I am told, even other Federal departments.

So, it is as if the VA is kind of the training ground for police officers who then are able to go on to other Federal departments or other police departments, and I think that is a factor that we have to look at. I think it is a serious issue, so I wish that would be made a component of your investigation.

Mr. MORANI. I might add, Mr. Chairman, that at this juncture of our nationwide audit, these matters of committee interest may very well be covered in the continuing six audits.

Mr. EVANS. All right.

Now, I understand that your recommendations were made on your on-going review that was completed in January or so?

Mr. MORANI. Yes, on the two that we had just recently completed—the local recommendations were made to the medical center director at that location.

Mr. EVANS. On what basis, then, do you have to make the statement that prompt action has been taken to correct the conditions reported to these local VA officials?

Mr. MORANI. Well, specifically, as an example, those individuals on the rolls that had criminal records—immediate action was taken in reviewing their records and in terminating their employment.

Mr. EVANS. How many people have been terminated?

Mr. MORANI. There were three. They either resigned or were terminated.

There was also great interest in terms of reviewing the backgrounds of the people to determine why the system failed to disclose such conditions and also to review qualification deficiencies that we pointed out.

Mr. EVANS. What about in-service training in these facilities?

Mr. MORANI. I understand that the 40 hours of training has been increased during the course of the audit, yes, sir.

Mr. EVANS. During the course of the audit?

Mr. MORANI. Yes, during the audit period.

Mr. EVANS. Do you think it will be maintained after the audit period is over?

Mr. MORANI. I believe so, yes.

Mr. EVANS. It has been brought to my attention that we are talking about in-service training. That was my question.

Mr. MORANI. Oh, I am sorry. It was the centralized training that was increased.

For a discussion of in-service training I would like to refer to Mr. Furukawa for additional details.

Mr. FURUKAWA. The responses from the medical center directors to our recommendations regarding in-service training were positive. Now, at the time that we completed our audit, of course, there was very little to measure in terms of the effectiveness of the proposed actions.

When we say that the proposed actions were responsive to our recommendations, your point is well taken. At this point in time, have they actually done certain things? We can only assume that they will follow through on the actions that they have proposed.

Mr. EVANS. Well, I wouldn't make that assumption after the track record that we have had since this committee has looked into this, going back to 1981 and 1982. I would assume it would be no surprise to the IG that local VA officials would agree to properly investigate and accurately report crime and that they process violation notices in a timely and accurate manner. I am assuming that they would agree. I would not assume that they would actually follow through.

I think that is an important issue that this committee will be interested in, and I hope that you will be interested in that.

Mr. MORANI. Yes, we will.

Mr. EVANS. The gentleman from Arizona?

Mr. STUMP. Thank you, Mr. Chairman.

Mr. Morani, what credentials or special expertise does the Inspector General's office have to conduct these audits on the VA Security Service?

Mr. MORANI. We have the expertise to evaluate the overall operation of the Security Service from the standpoint of efficiency and effectiveness of operation. The criteria is clearly set forth in terms of police officer duties and responsibilities and the policies that they are prescribed to follow.

From the audit side of the house, we have the capability to evaluate the people in terms of three areas. One—are they qualified upon hiring; two—are they adequately trained; and three—are they following appropriate procedures in procesing documents and reports.

From the investigative side of the house, we possess the expertise to evaluate criminal actions or investigative deficiencies that exist or have been disclosed in the audit. Also, we have the capability of reviewing backgrounds of the individuals in terms of the nature and seriousness of the case arrest records or in terms of the impact those arrest records might have on their performance.

So, basically, sir, both with our the audit expertise and our investigative expertise, we believe we possess sufficient qualifications to evaluate the Security Service.

Mr. STUMP. In your statement, you said that you found that 3 of the 43 officers at the two audit sites had been convicted of criminal acts.

Mr. MORANI. Yes.

Mr. STUMP. Why were not pre-hiring investigations done on these people?

Mr. MORANI. That is part of the overall review. We found them in anormal pre-hiring check. Local procedures, as best we can determine, were deficient in making the same identification, sir.

Mr. STUMP. Were those serious crimes?

Mr. MORANI. Yes, they were assault and battery crimes.

Mr. STUMP. What follow-up will there be by your office to check on the effectiveness of the actions by the VA to correct these situations?

Mr. MORANI. Well, we have a normal two-year follow-up process, and at the end of the period, there is a normal review of implementation actions to see whether the conditions reported have been corrected and what additional policies and procedures have been initiated. There is also a continuing follow-up during the six-month period that we are required to report in our semi-annual report.

So, we do have overview of the changes to policy and procedures that emanate from central office or have been issued in the field. This information is furnished to us.

We also have, to the degree that we feel is justified, review responsibility during the course of cyclical audits on those matters, and we also have the opportunity to check during any hot lines that occur.

Mr. STUMP. In your opinion, should the VA use special police instead of guards or regular police or some combination thereof?

Mr. MORANI. In our opinion at this time, we believe that the use of police officers is effective and should be maintained rather than guards.

Mr. STUMP. Meaning, when you say police officers, defined as what

Mr. MORANI. The series that they currently have within the Veterans' Administration and the duties and responsibilities that the series prescribes.

Mr. STUMP. Thank you.

Mr. EVANS. I would like to know why you are reviewing the organizational structure of the VA Security Service and if you have any preliminary opinions on reorganization, restructuring, or any improvements?

Mr. MORANI. The organizational structure of any function is a natural element in a review of the type we make during our nationwide audits.

Our preliminary indications are that the operations of the police service are very decentralized and localized to the hospital in a specific geographic location. Again on a preliminary basis, we find little oversight or coordination of the organizations from central office in terms of the items or areas of general interest or specific interest as denoted in our audits.

Again, that is on a preliminary basis. We are developing these areas as we continue to review the situation at the six medical centers.

Mr. EVANS. Do you have any recommendations now on restructuring?

Mr. MORANI. We have none at this time. I think it is a little premature having just completed two audits. We have the other six and possibly an additional one, making seven, to include, then we will have a firmer basis for making those recommendations.

Mr. EVANS. All right. I thank you very much. We appreciate your time and testimony today.

Mr. MORANI. Thank you, sir.

Mr. EVANS. Our next witnesses are representatives of two labor unions. Representing the National Federation of Federal Employees is Marie Winslow, legislative liaison. She is accompanied by Roger Miller, a member of NFFE Local #3.

Mr. Edward Murphy, legislative director, is testifying on behalf of the National Association of Government Employees.

We look forward to your testimony which I was able to review prior to the hearing today. I found it to be very good testimony, and, since I have read it, if you are able to summarize it, we may have a vote at about 10:00. I would like to try to complete your panel by about 10:05 so we both can vote if we do have that Journal approval.

Ms. WINSLOW. Certainly, Mr. Chairman.

STATEMENT OF MARIE O. WINSLOW, LEGISLATIVE LIAISON, NATIONAL FEDERATION OF FEDERAL EMPLOYEES; ACCOMPANIED BY ROGER E. MILLER, MEMBER, NFFE LOCAL #3, MILWAUKEE, WISCONSIN

Ms. WINSLOW. On behalf of the National Federation of Federal Employees which represents 150,000 Federal workers nationwide, I am pleased to appear before you today to discuss the responsibilities, effectiveness, and compensation of the Veterans' Administration police officers.

I am accompanied by Mr. Roger E. Miller, a VA police officer at the Zablocki Medical Center in Milwaukee, Wisconsin and the secretary-treasurer and chief steward of NFFE Local #3.

The VA police officer work force is a vitally important one that has been undervalued by the government for too long, and we welcome the opportunity to make their needs known. Few individuals outside the VA seem to be aware of the strenuous and dangerous job requirements demanded of VA police officers.

Our statement includes a list of about 16 different points, some of which you mentioned earlier, Mr. Chairman, so I will skip over those, but I think they demonstrate that the VA police officer is in fact the first line of defense against any crime committed on or near the VA medical center.

There are usually only three differences between VA police officers and the local police. The local police are better paid, they are allowed to retire earlier, and they carry weapons for protection. Our statement will center on those three points.

The list of critical elements demonstrates that the VA police officer's job is police work. They are required to have had previous police experience before joining the agency. They are required to perform the same duties as municipal police officers and private security guards. And they are responsible for protecting, in the case of the Zablocki Medical Center, the 10,000 people who enter and leave the center each day. They have to offer the same level of protection as is provided in the surrounding municipalities where the ratio of police officers to citizens is 1 to 275 while at the medical center, it is 1 to 370.

However, VA police officers are graded at GS–5. The pay level at GS–5 varies from $15,118 a year to $19,654, and it takes a police officer 15 years to reach the highest pay level. A survey of 26 police departments, security services, and private security guard salaries in the Milwaukee area show that the VA officers at Zablocki ranked 20th in starting wages and 23rd in wages accompanying 5 years of service.

We would suggest that increasing the classification of VA police officers to GS–6 or GS–7 could significantly reduce the number of officers who leave the VA for more financially rewarding duty with the Drug Enforcement Agency, the Federal Bureau of Prisons, and the U.S. Marshals Service.

I would like to point out that in the case of the Zablocki Medical Center, there are police officers who leave to join the housekeeping and groundskeeping crews because those individuals are paid under the wage grade system rather than the GS system and actually earn more per hour than the police officers.

VA officers also need the ability to retire earlier than Federal employees in less stressful and physically demanding positions. This option is already available to police and fire officers in other Federal agencies. This early retirement option is not a reward for holding an arduous job; it is instead a necessity for the proper execution of that job.

To demonstrate the kind of dangerous situations VA police officers face, we have included in our testimony a list of offenses involving drugs and/or weapons that the Zablocki Medical Center officers faced from June 19, 1987 to May 2, 1988. Subcommittee members might note 47 incidents involving knives, 4 incidents involving revolvers, 1 incident involving a shot gun, 1 with a bow and arrow, and 1 involving a hatchet.

Disarming and arresting suspects who are often violent requires considerable strength and agility. An officer who has suffered a reduction in either of these areas because of advancing age would be a danger not only to himself or herself but also to the other officers and the entire medical center.

We would like to request that the VA police officers be allowed to take early retirement at age 55 with 20 years of service.

In addition, VA officers need to be issued the means to protect themselves when patrolling in their squad cars. Mr. Chairman, we are keenly aware of the public's feeling about armed officers in hospitals, and that is not what we are suggesting. Instead, we would like to propose that VA officers be permitted to carry weapons while in their police vehicles during patrols of the area. Weapons could be securely checked at the hospital's main desk when the officers entered the building.

In order to demonstrate why weapons are needed on patrol, I would like to ask Mr. Miller to explain an incident that occurred on July 24, 1987.

Mr. MILLER. Mr. Chairman, I am a VA police officer at the Zablocki Medical Center in Milwaukee, Wisconsin. We have several instances that have happened, but I am just going to tell about one incident.

We were out in a patrol car, and I was called over the dispatch radio to report to a parking lot area. There were three men in a

parking area. I didn't know this until the next week, but there was an undercover officer doing investigations at the VA medical center, and he fingered these guys saying that they are doing drug deals.

So, our chief told us to get them, arrest them, and search their vehicle. We were unarmed. We got the individuals out of the vehicle. They had a loaded 22 pistol in there, butcher knives, marijuana, all sorts of pills, and about $1,620 in $20-dollar bills. So, this was definitely a drug situation.

When we are out there patrolling alone we are required to stop vehicles. We are unarmed. We have a lot of cross traffic coming off from other areas onto the VA. It is documented that officers have been killed like the two VA police officers that were killed last year in Ohio.

So, what we are looking for is just a limited use of weapons. It would be outside when we are patrolling because we have to stop suspicious individuals.

Thank you, Mr. Chairman.

Ms. WINSLOW. That concludes our statement. We would be happy to answer any questions.

[The prepared statement of Ms. Winslow appears on p. 61.]

Mr. EVANS. We will take questions after Mr. Murphy's testimony.

STATEMENT OF EDWARD L. MURPHY, LEGISLATIVE DIRECTOR, NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES; ACCOMPANIED BY SUSANNE POOLER, NATIONAL VICE PRESIDENT, NAGE

Mr. MURPHY. Good morning, Mr. Chairman. My name is Ed Murphy, and I am legislative director with the National Association of Government Employees, an affiliate of the Service Employees International Union, AFL-CIO.

With me is Susanne Pooler, our national vice president in charge of veterans' affairs.

The NAGE/SEIU represents Veterans' Administration employees at approximately 30 medical facilities nationwide.

In response to inquires from this committee, our office contacted our VA police locals to learn of their problems and concerns. The information we received indicated a work force with serious morale problems arising from inadequate pay, benefits, limited promotion opportunities, unnecessarily burdensome scheduling, inadequate training, and ambiguous professional responsibilities. It is our view that these problems need to be addressed comprehensively.

One major source of VA police low morale is inadequate pay. There is little incentive provided to officers to improve their performance and to advance their careers within the VA. Far too many of the best, brightest, and most committed employees are leaving the VA for higher paying jobs in city government.

The majority of police officers in the VA are paid at grade 5 which starts at approximately $15,000 a year. After 15 years, an officer will reach the top step of the grade and would currently receive about $19,600. There are very few promotion opportunities for VA police officers. Grade 6 is reserved for detectives, but there are

only 148 nationwide. The only other promotion opportunity is to chief, and their pay ranges from grade 7 to grade 12.

These figures are not comparable to what is commonly paid police officers in the public sector. A 1987 survey published in the Municipal Yearbook indicated that in populations of 10,000 to 25,000 which is the lowest paid category for which statistics are available, the average annual entrance salary of police officers is a little over $19,000. Officers in these communities reach the top step of the patrolman ladder generally within 5 years when they receive a little more than $24,000. Officers in larger cities, of course, are paid at more generous levels.

Thus, at employment, the typical police officer in small town America makes an average of almost $4,000 more than a VA officer. The gap between the VA and other public sector officers continues to grow as the officer becomes more experienced, so that after 5 years, the small town police officer makes $7,500 more than a VA police officer with the same amount of experience.

Further, a chief of police at the VA hired at grade 7 would currently earn less than the average small town police recruit fresh from the police academy. The average small town police officer with 5 years of experience as a patrolman will also be paid more than that same VA police chief.

This pay gap must be closed if the VA expects to be able to compete for the best and brightest in law enforcement. With the ability to receive a 25 percent higher pay rate in surrounding communities,the VA will increasingly find itself training employees only to lose them to competing jurisdictions.

In addition to pay increase, the VA must improve its promotion and career growth opportunities for officers. As it currently stands, VA police will be hired at grade 5 and can look forward only to step and cost of living increases providing little opportunity or growth to the ambitious. This situation must also be addressed.

Understaffing is also a problem at many hospitals. Our locals voiced concerns about officers performing their duties alone without any other officer available for back up. At the Butler VA, for instance, officers are assigned alone on the night shift to patrol Butler's 88 acres, 41 buildings, and 450 night employees. This lack of a back up presents obvious dangers to the police officer.

Our police locals revealed to us a multitude of anecdotal evidence where VA police officers subdued armed patients or former patients who were posing an immediate danger to the lives of those in the facility.

Our 16-person police local at the Coatesville, Pennsylvania medical center revealed to us that they have disarmed 15 armed individuals in the last 36 months. The same local tells us that there have been 42 assaults on officers in the last 36 months.

All of our locals contacted voiced concerns about the training provided to police officers. Although in many respects the VA police officer has more difficult duties than many in law enforcement, they receive substantially less training.

VA police officers receive only about 64 hours of training at hiring. It is our experience that State and local officers will receive a minimum of 6 to 8 weeks of training. In fact, most Federal law

enforcement officers also receive 6 to 8 weeks of training at the Federal facility located in Georgia.

Many of our locals also voiced concerns about the quality of supervision they receive. Police officers were also troubled by the VA organizational hierarchy wherein non-law enforcement professionals were empowered to make crucial law enforcement decisions like whether to refer matters for criminal prosecution. This has created a dangerous ambiguity among some police officers about their duties and authority and a perceived disrespect for the officers' authority.

Mr. Chairman, clearly, the VA police are a crucial part of the work force and in need of substantial change, including more competitive pay and benefits and improved training and supervision. We look forward to working with the committee to achieve these objectives.

We thank you for this opportunity and will attempt to answer any questions.

[The prepared statement of Mr. Murphy appears on p. 95.]

Mr. EVANS. Thank you very much. I found both sets of testimony very moving and important, perhaps the best testimony that we will receive today.

Ms. Winslow, we are going to include in the record the survey that you have submitted to us from, I guess it is, the Milwaukee area police departments.

Ms. WINSLOW. Yes, sir. Thank you.

Mr. EVANS. We think that is quite instructive. So, without objection, that will be made part of the record.

[The survey appears on p. 67.]

Mr. EVANS. Also, Mr. Miller, we want to thank you for coming. I think it is good to have someone who has had experience testifying for us today.

I notice that in Ms. Winslow's testimony she quotes a letter that you wrote, and I would just like to repeat it, because I think it really indicates what some of you are up against. Quoting you, it says:

"I am 35 years old and have been forced to subdue people who come to the VA and have previously been trained by the United States Armed Forces in hand-to-hand combat."

Well, we are quite proud of the training that they get, but—

Mr. MILLER. I am also an ex-Marine security officer.

Mr. EVANS. Well, we are proud of that, but we are trying to understand what you are going through. I gather from both unions' testimony that you notice basically three differences between VA police officers and municipal officers—pay, firearms, and early retirement eligibility.

Actually, in addition, the education and the previous police experience are things that the VA requires more of, and I guess they expect that because they apparently give so little initial training or follow-up training. So, I guess it is expected that you have that when you come on the job.

Mr. MILLER. Also, Mr. Chairman, there is a fourth one. It would have to be that we are in a situation in law enforcement where we have to deal with hospital staff, the patients, the visitors, and then we have to offer law enforcement also. A lot of police officers do

not have to deal with the hospital staff or psych patients or those types of things.

Mr. EVANS. In addition, you may have to restrain disorderly patients.

Mr. MILLER. Right. We are part of the hospital staff also.

Mr. EVANS. Do you feel that is an appropriate role for police officers? Is there some concern that it might be better handled by medical orderlies, let's say?

Mr. MILLER. Well, no. I think the VA police officers should keep doing what they are doing now.

You see, if there is no other way that we can have them comply with the laws and regulations, then we enforce the law. But we need that power, because we have individuals there who just don't care and that type of situation. So, we should keep on.

Mr. EVANS. Mr. Murphy, do you have any comments in those areas?

Mr. MURPHY. No, Mr. Chairman. It is my understanding that, in general, the nursing staff would restrain the patients whenever possible, and it is only in situations that get totally out of control that the police would be called in or if there were a weapon or some other involvement.

Mr. EVANS. I understand NFFE would be saying that we should allow firearms in adjacent areas to the medical centers, the parking lots, and other such areas.

Ms. WINSLOW. Some of the medical centers are quite large, and the Zablocki Medical Center has access from freeways and also the stadium is near there, and there is often trouble in the parking lot or in these large grounds. The police officers do patrol those areas where there are individuals who have absolutely nothing to do with the VA, as Mr. Miller's anecdote revealed.

Mr. EVANS. However, I read your testimony, Mr. Murphy, and I wasn't really clear. Are you saying you would like to have firearms in certain circumstances or for certain personnel, but not in the medical center facilities themselves, in the buildings?

Mr. MURPHY. We think there are some circumstances, Mr. Chairman, where firearms are appropriate. We didn't really draw any strict lines.

The incident that brings it, I think, strikingly to our attention is at our local in Coatesville, Pennsylvania. The police officers there are used to transport funds from the hospital to the local community, from the canteen, from patient accounts, and from one other area that slips my mind at the moment.

They were kidnapped a couple years back by armed felons who stole the money. It just points out how ludicrous it is to ask people to transport large sums of money without a firearm.

So, there certainly are circumstances where the police should be carrying firearms.

Mr. EVANS. You talked about the salary gap between VA police officers and smaller town officers. I assume that gap is even larger in the more urban areas except where maybe special pay is provided for those VA police officers?

Mr. MURPHY. Yes. In general, the larger the community, the higher the pay rate. We could certainly provide those figures. The figures we provided were the lowest average for police officers in

cities and towns that were gathered in the Municipal Yearbook which is very commonly used by both labor and management for establishing pay rates for police.

Mr. EVANS. During the last year, you reported that there were some 50 incidents at the Zablocki Medical Center involving knives, firearms, and other weapons or drugs. Mr. Murphy, you referred to many incidents involving assaults on the officers.

Generally, are these types of incidents increasing, decreasing, and if they are increasing, what can we do to help our officers to become better prepared to deal with those types of incidents?

Mr. MURPHY. Certainly in the training, Mr. Chairman. I am not quite sure whether they are increasing or decreasing. We didn't get that sort of feedback from our locals. It was not specifically mentioned.

However, certainly one thing to do would be to increase the training and improve the supervision and increase the number of officers. Certainly, the situation where you have one officer patrolling alone at night is dangerous in just about any circumstance but particularly so if there are crimes of violence associated with drugs or psychiatric patients.

Mr. MILLER. Mr. Chairman, we also have to look at the fact that the population of veterans is growing larger and larger. The veterans that we have in the VA are getting younger and younger, and the incidents are more violent. You know, I don't like to step on any toes, but some of the Vietnam veterans that come in there are hooked on drugs and that type of thing or have post-traumatic stress syndrome. That becomes highly violent and volatile. And the number of people coming from other areas there has increased also, the population.

We also have the lowering of the police officer staff, because we have such a turnover because of retirement, pay, and not being armed. That is where our main problem is right there with qualified officers.

Mr. EVANS. We have a Journal vote, and I want to thank you. We will conclude here with this panel. I wish we had more time to go on, but I want to recommend both unions' testimony to everyone here today, because I think it is not only the morale of our police officers at the facilities, but the morale of our medical centers that is involved. I think your testimony points that out quite well, better than I can, and I urge everybody here today to thoroughly read and think about what both unions are recommending today.

Thank you very much.

Ms. WINSLOW. Thank you, Mr. Chairman.

Mr. MURPHY. Thank you, Mr. Chairman.

Mr. EVANS. At this time, we will recess until I can get back from the Journal vote.

[Recess taken.]

Mr. EVANS. We will continue the hearing now.

Dr. Daniel Winship, Associate Deputy Chief Medical Director for Programs and Operations is our next witness. He is accompanied by Sam Piper, Director of Administration, Department of Medicine and Surgery; and Mr. James Fasone, Director of Security Service.

Dr. Winship, you have submitted testimony and it will be made part of the record. If you can summarize from that, we would appreciate it.

STATEMENT OF DANIEL H. WINSHIP, ASSOCIATE DEPUTY CHIEF MEDICAL DIRECTOR FOR PROGRAMS AND OPERATIONS, VETERANS' ADMINISTRATION; ACCOMPANIED BY SAM G. PIPER, DIRECTOR OF ADMINISTRATION; JAMES G. FASONE, DIRECTOR OF SECURITY SERVICE; JAMES ADAMS, DEPUTY ASSISTANT GENERAL COUNSEL; AND RON COWLES, ACTING DIRECTOR, OFFICE OF PERSONNEL AND LABOR RELATIONS

Dr. WINSHIP. Thank you, Mr. Chairman.

Mr. Chairman and members of the subcommittee, I am pleased to be here today to discuss the Department of Medicine and Surgery's security and law enforcement program.

With me today are Mr. Ron Cowles, Acting Director, Office of Personnel and Labor Relations; Mr. James Fasone on my far right, Director of Security Service; Mr. Sam Piper on my immediate right, Director of the Office of Administration; and Mr. James Adams on my immediate left, Deputy Assistant General Counsel.

Mr. Chairman, since you have accepted our formal testimony for inclusion in the hearing record, I will make a few brief summary comments about our security program.

The principal missions of every security unit are, first, the protection of lives and property; second, the provision of close support to the patient care staff; and, third, the assurance of proper conduct of persons on VA property. The VA security program has, by law and regulation, been created and maintained to complement the veterans health care mission.

In fiscal year 1987, our police responded to 4,564 assaults and 48,757 disturbances. They issued 226,894 traffic warnings and citations, made over 58,800 stops of suspicious persons, and performed 6,642 arrest actions.

Our formal statement discusses the organization, personnel, and operation of our Security Service, so I will not comment further on these topics at this time. I would like to comment briefly about recent reviews of some of our security services.

The Office of Special Counsel has made observations based on its investigations into alleged prohibited personnel practices at three of our medical centers over a seven-year time span. In two of these three lengthy investigations, the alleged violations were not upheld. In the other case, there were violations found which were corrected.

We have also reviewed and taken corrective action to address problems identified by the Office of the Inspector General in two recent audits of our medical centers in New Orleans and Oklahoma City.

There were instances where our policy requiring reviews of preemployment arrest records and verification of qualifications was not being followed when we have hired police officers. To respond to this, we have issued directions to all field facilities to re-initiate national agency checks on all VA police officers, and we are imple-

menting additional procedures to assure that local and national pre-employment suitability checks are properly accomplished.

The Office of Inspector General is conducting audits at six additional VA medical center Security Services. When these audits are completed, we will review the findings and take additional corrective steps as necessary.

I believe that VA regulations governing security, law enforcement, and standards of conduct on Veterans' Administration property and the DM&S policies, practices, and procedures implemented for law enforcement in our health care facilities are sound, and much has been accomplished in recent years to improve the service. Recent audits and reviews of the service have identified problems that we intend to correct.

Mr. Chairman, this concludes my comments. My colleagues at the table and I will be pleased to respond to any questions that you or members of the subcommittee may have.

[The prepared statement of Dr. Winship appears on p. 100.]

Mr. EVANS. According to the Inspector General, your department has recently established a task force to evaluate and improve pre-employment screening and to determine the appropriate security classification for our police officers. This really was identified as a problem over seven years ago, and I feel that establishing a task force is rather a feeble response at this time.

On page 4 of your statement, we are told that aggressive corrective actions have been initiated, because pre-employment arrest records weren't being reviewed and qualifications weren't being verified. Yet, on September 23, 1982, six years ago, Marjorie Quandt told the committee, "First of all, the door has been closed to applicants for VA police officer positions who are unsuitable due to having criminal records or unsatisfactory performance during prior employment."

My question is, what has happened to that closed door? Why haven't the personnel officials contacted former employers to determine if police officer candidates are qualified?

Do you have any response?

Dr. WINSHIP. Yes, sir. I do not have an answer for specific instances. However, I believe that a generic response to that is that we believe that we do have the procedures in place that are appropriate to make the reviews that are necessary of all applicants, and the failure of those to be done is a problem of management at the local site.

We have become aware over time that some of those problems are continuing as they had been in the past. We are, in fact, very interested in the results of the Inspector General's audits, because they are confirming some of those, and we are in the process of putting in place mechanisms, as I have indicated here on page 4 that you referred to, and others for the future that will, we believe, correct those problems.

Mr. EVANS. What has been the effect of providing special pay within the Security Service?

Dr. WINSHIP. I think it is very difficult to single out special pay alone and to try to identify what the specific effect of that is. We have sought, as you know, and obtained authority to use special

pay, and we have 31 medical centers where we have special pay in force.

We do know that over the past few years, the turnover rate of police officers in our medical centers overall has been reduced from about 35 or 37 percent to in the neighborhood of 22 or 23 percent. I believe that special pay has likely had some impact on that.

I will say, however, that, in my opinion, special pay is never a definitive answer but is only a band-aid, and I think it has been a fairly good one, but I think we probably for the future need other answers.

Mr. EVANS. How much additional pay is being received, on the average, by the officers employed at the 31 VA medical centers that are allowed to have special pay categories?

Dr. WINSHIP. I do not have that number with me. Perhaps Mr. Adams can respond or Mr. Coles.

Mr. COWLES. Mr. Chairman, I don't have the average. I can give you some indication, though, of those rates that are in effect and how they compare with the otherwise minimum starting salaries.

At the grade 5 level which is our journeyman police officer level, the starting salary for a grade 5 without a special rate would be $15,118 per annum, with a maximum payable rate of $19,654. The pay rates that have been approved and are in place at the grade 5 level range from $16,798 to a high of $18,710 at the VA medical center in Northport. Many of the rates I see here of the 31 hospitals are in the $17,700 range.

So, with a starting of $15,118, we see a number of these special rates at the $16,000 level and the $17,000 level and, at the extreme, the $18,000.

Mr. EVANS. One of the brighter things that comes out is that the retention period is longer now and that there is less turnover each year. Do you think that the special pay in these 31 medical centers has contributed to a decline in the turnover rate or prevented an increass?

Mr. COWLES. This has been a fairly recent phenomenon since 1986. We are optimistic that it will. In fact, those rates that are requested are meant entirely to do that. It is where there are significant recruitment or retention problems, and we would hope, as we review these and the impact on turnover rates at those facilities, that we will see some improvement.

Mr. EVANS. I understand that the qualifications for GS-4 and GS-5 grade police officers are being changed. If they are, will the VA still continue to require two previous years of experience for a GS-4 and three years experience for a GS-5, or will the VA adopt the new qualifications?

Dr. WINSHIP. I believe that the qualifications that we will require will remain the same. I might ask Mr. Fasone to comment on that.

Mr. FASONE. The Office of Personnel and I have discussed this very question, and we are both in agreement at this point that we would like to see the higher standards remain in effect.

Mr. EVANS. But if they change them and the VA doesn't, won't that make it even harder for the VA to compete to recruit qualified police officers entering at those levels?

Mr. FASONE. The new OPM standard still retains the educational substitution requirements, so there is no change on that score. The

only change between the old and the new standard is less experience, and we would like to remain with the higher experience requirement, and only if we face a serious recruitment problem would we then consider going to the newer standard.

Mr. EVANS. How many medical centers at the present time do not have a full complement of police officers and what is the average duration of a vacancy in most centers?

Dr. WINSHIP. Mr. Fasone?

Mr. FASONE. That varies very widely, Mr. Chairman. The local economic conditions, local unemployment conditions, local economy health greatly affect the answer that you are looking for.

In some areas like right now in west Los Angeles where we are down considerably—we are very far down because the salaries being paid in the west Los Angeles area have just dramatically gone up, putting us in a very non-competitive situation—

Mr. EVANS. Do you know what that gap is, just roughly, or can you get it to me?

Dr. WINSHIP. We can supply that for the record, Mr. Chairman.

[Subsequently, the Veterans' Administration furnished the following information:]

The number of medical centers having a full complement of police officers and the average duration of vacancies is not available. Using funding and employment levels allocated for the entire facility, medical center officials set staffing levels for each of their units or services, including security. As vacancies develop, center officials reassess staffing needs against the availability of funds and ceiling and may abolish vacancies by withdrawing previously allocated ceiling, postpone recruitment, or authorize recruitment.

Mr. EVANS. All right, and maybe even the average duration. It would be interesting to know. We heard some evidence about the gap between small towns and the VA medical facilities in those areas and we also had the Milwaukee wage differential survey. It would be interesting to have at least one big city included in the record and maybe that would be the best example. Perhaps that would be the worst example, but it might give us some idea of what we are facing.

[Subsequently, the Veterans' Administration furnished the following information:]

From October 1987 until May 1988, the West Los Angeles Veterans' Administration Medical Center maintained a force of 37 full-time, permanent Police Officers. During this period, recruitment was authroized for 5 vacancies. Recruitment lag ranged from 6 to 10 weeks.

In May, Center officials initiated recruitment for 15 additional full-time, permanent and 10 full-time, temporary Police Officers. Since then, they have filled 4 of the permanent positions. They are continuing to recruit for the other vacancies.

Under 38 U.S.C. § 4107, special rates may be authorized to provide pay competitive with the pay for the same category of personnel at non-Federal facilities in the same labor market. Special police at public medical centers, such as those of the University of California at Los Angeles, the University of Southern California, and Los Angeles County, are the category of personnel whose duties and responsibilities most nearly equate to those of VA Police Officers. In February, special pay rates at or above the levels requested by the West Los Angeles VA Medical Center were approved. Although these rates increased starting salaries by $1,335 at GS–4 and $502 at GS–6, they are $2,400 to $4,100 lower than those for comparable entry level, special police positions. Center officials judged that they will permit the recruitment and retention of well qualfied individuals.

Mr. FASONE. On gap information, it will take a while to collect, but I would like to mention at this time that we are competing for

special police type officers. We are not competing with municipal and State police officer levels.

The special police competition that we face boils down to private hospital security police, university or campus police forces, those which have a self-protection responsibility. Our gap exists with these people, and even in these areas, the salaries being paid to special police are gradually increasing every year, not to the extent of the municipal and State police.

Mr. EVANS. I am not sure I am understanding you. Are you comparing our VA police officers to basically guards at universities?

Mr. FASONE. Special police on universities. Most of the university campuses are employing personnel empowered with arrest authority which are special police officers.

Mr. EVANS. Okay, but I am not understanding you. Are you suggesting it is unfair to compare wage differentials with metropolitan police officers in those localities?

Mr. FASONE. We stay away from trying to compare our pay scale with pay by municipal and State organizations.

Mr. EVANS. And why would you do that?

Mr. FASONE. Because the State police and the city police forces throughout the country, whether it be the New York Police Department or the San Francisco Police Department—the range of knowledge and skills required of those officers and the risk of intensity, the danger intensity, and the higher degree of responsibilities that those officers face, as much as we feel our VA police officer duties are important, are far greater than those of our VA police officer duties.

Mr. EVANS. Yet, we require more out of the background and experience and education of people within the VA than what most metropolitan police departments require. So—

Mr. FASONE. Well, to answer that, sir, the metropolitan police departments and the State police departments have traditionally—I have never known it otherwise—preferred to hire a young, untrained person of fine quality and character and to train them themselves into their ways. Most police departments, for instance, the Maryland State Police, will accept a transfer from the Prince Georges or the Montgomery County Police Department and will prefer to retrain that individual entirely as a Maryland State Trooper.

However, they do prefer to bring a person in at a very young age, in good physical condition, and all of these things and to train him from scratch to their ways.

Mr. EVANS. But what we are requiring of the VA people is that they have some kind of background, a degree, and then we are saying that we will pay them less. I mean, we are actually saying we want a more experienced and older person. We are not going to train them or we are having problems training them. We are having problems providing in-service training. Yet, we expect them to have all this experience by the time they come to the VA, and then we will pay them less.

Doesn't experience count for anything within the VA?

Mr. FASONE. Experience certainly does count, and our point here is on the training aspect and the qualification aspect that we have always felt that we should not, within the Department of Medicine

and Surgery, render a total occupational qualifying training program. We would rather go to the OPM system and bring in people who already have a high level of experience or substitute education and work with that person rather than engage—which is so far afield from the medical care mission—in delivering training which is to qualify an individual for a specific occupation.

We do the same thing in the area of firefighters. We like to hire experienced fire fighters rather than opening a fire fighter school.

Mr. EVANS. I am the son of a firefighter. That may be an area that we will get into at another hearing. However, I guess my concern is that I think, one, it is more relevant to compare them perhaps to municipal police departments.

The wage differential is greater, I would assume, between our VA police officers and metropolitan police and other law enforcement officials than as opposed to the comparison between those VA personnel and those special police in other hospitals and educational institutions. Is that correct?

Mr. FASONE. Oh, yes, there certainly is, and the reason for that, again, is, looking at the New York Police Department or San Francisco or LA, there is just no comparison of the day in and day out duties performed by these police of these municipalities with the special police employed by private institutions or small facilities needing a self-protection force.

Mr. EVANS. And we can probably debate that all day.

Mr. FASONE. Yes.

Mr. EVANS. But I would like to point out that it seems to me that there are special differences, too, that might mitigate in favor of our VA personnel having to deal on a regular basis with former service people who are trained in hand-to-hand combat, dealing with the special problems of as I understand about 40 percent of our patients within the VA medical center who are having if not just solely psychological problems, combined psychological and physical problems.

We had officer Miller talk about some of the problems with post-traumatic stress disorder and so forth, and also dealing with just the in-hospital kinds of crisis situations and then not having firearms when they confront people on the grounds, in the parking lots, and so forth.

So, I would say that, generally, at least in my experience and knowledge, they have a much higher rate of responsibility than a security guard at a hospital or perhaps someplace like George Washington University where they also work with the local police departments when crisis situations come up. I would like to see some study of the differential, because I think what we are competing with, in terms of attracting and retaining these qualified people, is in fact the metropolitan police departments.

One other thing while I am on this general area. What about the concern raised by both the unions about losing people that we have trained within the VA to other Federal law enforcement agencies or security services?

Mr. FASONE. We see it go both ways, Mr. Chairman. We see some of our people leaving to go to GSA Federal Protective Service, and a year later, they are back to us. We see some of our people going to the Customs Service and some come back to us.

There is a considerable degree of job hopping throughout the Government. Years ago when the United States Postal Service became a quasi-independent agency and opened up its own Postal Security Service, we had a tremendous drain on our VA police. The only difference, the rock bottom difference, between the pay and the other working conditions was that over at Postal Service, they would give them a gun to wear. Most of these people came back to us eventually, but there is this job hopping problem.

The job hopping problem varies from State to State and city to city, and I think we have the same situation in our nurses area. Our nurses are fluid. They move from one hospital to another within a given city as one hospital decides to up its pay for nurses by $1,000 or $2,000 a year or other bonus attractions, and job hopping is a problem.

Dr. WINSHIP. Certainly, we have seen that turnover rate decreasing coincident with the time that we have some special pay rates.

Mr. Chairman, I would like to have Mr. Cowles clarify an issue about degree requirements.

Mr. COWLES. Yes, there has been some reference, both in the records submitted to the committee for this hearing and also in comments that you have exchanged with us that the VA is requiring a degree. The VA operates under the OPM qualification standards. Those qualification standards will allow, if a person has a degree, a Bachelor's of Science in police matters, to not have the other requisite actual experience requirements. It is substitution of education for experience.

The VA many times hires from Civil Service certificates and will find on those certificates people that are certified to us either that have the degree or that have the requisite two or three years experience at whatever grade level we are hiring at.

So, to say that the VA has a degree requirement, I think, is misleading. Certainly, some police chiefs may in fact favor and like to see that while others are really looking for the experience or a combination of the two. We hire under both of those circumstances.

Mr. EVANS. Is it not a fact, however, that at Zablocki Veterans' Administration Medical Center a degree is, in fact, required?

Mr. COWLES. I have not been able to independently confirm that nor—

Mr. FASONE. What was the question, Mr. Chairman?

Mr. EVANS. If a degree is in fact required at Zablocki VAMC.

Mr. FASONE. Absolutely not.

Mr. EVANS. All right. Thank you for the clarification, and I will yield to minority counsel for questions that he has.

Mr. KINGSTON SMITH. Thank you, Mr. Chairman.

To follow up on your line of questioning, can the VA demonstrate with data what market it is competing in for police officers? I think we share the chairman's impression that the VA is indeed in fact, no matter what you call them, whether they are special police or guards or municipal police, competing in the same market for qualified people.

Mr. Chairman, yesterday we conducted an informal telephone inquiry to some large metropolitan police departments. New York Police Department, according to our information, starts rookies at almost $26,000 a year, the Chicago Police Department starts them

at $23,000 a year, and the L.A. Police Department starts them at almost $31,000 a year.

We have to ask how the VA can hope to recruit and retain highly qualified police officers in this kind of environment.

Dr. WINSHIP. Your question is a very challenging one, Mr. Smith. I think we do not have the data in hand that can definitively answer that question, but I believe we can develop some data that can deal with that and address it.

[Subsequently, the Veterans' Administration furnished the following information:]

The Veterans' Administration employs nearly 2,000 police officers. When filling these positions, the Agency is not in direct competition with municipal police forces because their positions have a wider range of duties and responsibilities and generally are more hazardous. As we previously testified, special police officers at university or public medical centers have duties and responsibilities more comparable to those of VA police officers. Therefore, in compliance with 38 U.S.C. § 4107, the salaries for special police at the University of Southern California, the University of California at Los Angeles and the Los Angeles County Medical Center, which are considerably lower than that just cited for the Los Angeles Police Department, were surveyed in preparation of the special salary rates for the West Los Angeles, Sepulveda, and Long Beach VA Medical Centers.

A recent revision of the Office of Personnel Management Classification standard for Police Officers may permit upgrading some GS-5 Police Officer positions at high crime sites to the GS-6 grade level. Such reclassifications may enhance Police Officer recruitment and retention.

Mr. KINGSTON SMITH. Is it correct, Dr. Winship, that four VA medical centers have in hand approved applications for special pay rates for policemen but that they have inadequate resources to implement the increases?

Dr. WINSHIP. I believe that is correct.

Mr. KINGSTON SMITH. Which are they?

Dr. WINSHIP. I am not sure. We can provide the names of those for the record, unless you know, Mr. Fasone.

Mr. FASONE. Yes. That is our Brockton Hospital, our New York City, Brooklyn, and Bronx Hospitals.

Mr. KINGSTON SMITH. Do you know why they don't have the resources? Have they been allocated to other purposes?

Mr. FASONE. Dr. Winship can address that.

Dr. WINSHIP. Let me comment on our special pay rate program, because that has to do with this whole issue. We have several months ago had—that is, I had a task force that is a special of our special pay consortium, consortium meaning the fiscal people, personnel people, operations, where I am and so forth, a group which works with the special pay requests that we have.

The special pay requests were increasing and, in fact, increasing beyond central office's ability to pay all the special rates. Therefore, the task force that I put in place to make recommendations to me and, therefore, to the chief medical director about how we would fund special pay rates came up with the recommendation which we have implemented that special pay rates for registered nurses, LPN's, and nursing assistants and pharmacists would be paid by central office. Special requests for all other categories would be paid by either regional office funds or at the medical center.

This was carried out simply as a necessity because of budgetary constraints. Therefore, we have a systematic way of approaching

that now, and the police officers, of course, fall into the category that central office does not fund.

Therefore, it is up to the medical center or the regional director to fund these.

Mr. KINGSTON SMITH. I have one last question, Mr. Chairman. This is a compound question, so please bear with me.

How large a central office staff does the Security Service have? Please describe its structure, and are there any plans to expand it? I ask this in the context of the Office of Special Counsel's recommendation that the VA establish a professional central office staff to oversee all VA police practice, policy, and training and performance.

Dr. WINSHIP. The central office staff, per se, is a staff of two, that is, Mr. Fasone and his assistant.

However, I think in considering the work that is done in a centralized basis, I think we must then look also to the four regional security officers and their staffs. That number of people is the four security officers themselves and, Mr. Fasone, could you help me with the numbers of people?

Mr. FASONE. Yes. As Dr. Winship said, I have under me located in the field four regional security officers. In addition to these four regional security officers who are, by the way, also duly qualified law enforcement people, I have a staff of three instructor/investigators at the Little Rock police school and a clerical person to assist at that end in the administration of the school.

That is the sum total of our Security Service staff in central office and field.

Dr. WINSHIP. But that is the centralized portion of the almost 2,000 staff that the program has.

Then your next question was a further question about the existence of plans to expand that staff, I believe, and the answer to that is, at the present time, no. We do not have positions that we are, at the present moment, planning to add to that. That, of course, will be something that we will be determining in the future.

Mr. KINGSTON SMITH. Mr. Chairman, I see my time is up. We will have additional questions for the record.

Mr. EVANS. And so will we. We will submit them in writing.

I have just one other question quickly. It occurs to me that we are dealing with medical facilities only. Who provides security to the regional office and central office here in Washington?

Dr. WINSHIP. I believe our security here in central office is by contract.

Mr. EVANS. And each different office has a different contractor?

Dr. WINSHIP. No, I am referring only to central office. Mr. Fasone can comment on Regional Office security.

Mr. FASONE. In the various cities around the country where we have VA regional offices located in Federal buildings, those Federal buildings are under the charge and control of the General Services Administration. They come under their umbrella.

Where the regional offices are co-located on our medical center grounds and our medical center grounds are deeded to the Administrator of Veteran's Affairs, we then provide security at those facilities.

Mr. EVANS. Thank you very much for your time today.

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Mr. Curtis Smith, Associate Director for Career Entry, Office of Personnel Management, is our next witness.

Mr. Smith, if you will come forward, you may proceed when you are ready, and be advised that your statement has been submitted for the record. If you can summarize from it, we would appreciate it.

Mr. CURTIS SMITH. Thank you. I will be happy to do that.

STATEMENT OF CURTIS SMITH, ASSOCIATE DIRECTOR FOR CAREER ENTRY, OFFICE OF PERSONNEL MANAGEMENT

Mr. CURTIS SMITH. I am glad to be here this morning to discuss personnel matters relating to the Veterans' Administration Security Service, I would like to briefly describe what is in my statement about OPM's role with regard to these matters.

These police officers are under the General Schedule, not under the Title 38 personnel system. They are in the competitive service, and that brings with it the normal kinds of things that OPM does with Federal employees.

The VA calls them non-sensitive positions, and we therefore carry out the security investigation called the "national agency check and inquiries" that is consistent with that determination. The officers are subject to the qualifications and classification standards that we issue.

Where, normally, we would do special rates, in this case, the Veterans' Administration has its own authority, subject only to our review, and we have never yet exercised our veto authority.

Thank you for letting me make this brief overview, and I will be pleased to answer questions.

[The prepared statement of Mr. Smith appears on p. 108.]

Mr. EVANS. According to your testimony, the VA has designated police officers as "non-sensitive." What other designations are there, what are the implications of these designations, and has OPM recommended or suggested another designation to the VA for their police officers?

Mr. CURTIS SMITH. The designations begin at non-sensitive and increase, depending on how serious the agency thinks the work is in terms of needing to do background investigations. After "non-sensitive" is "sensitive," I believe, and then "critical sensitive." After that point, we get into the classified information sort of categories.

As a designation increases, the background investigation becomes more thorough. At the highest levels, investigators actually visit people who have known the applicant, talk to previous employers. At the non-sensitive level, we check with law enforcement officials, check with employers, and do phone work to verify that what is said is true and that none of the law enforcement agencies have anything in their records indicating their candidate is unsuitable for employment.

Mr. EVANS. OPM has come up with new standards for police officers. Supposedly, these new standards will broaden the pool of applicants. Can you explain to us a little bit about those standards and how this will help us broaden the numbers of people and if lowering the qualifications doesn't hurt us, in a sense, within the

VA because we have problems with insufficient training already. Any comments?

Mr. CURTIS SMITH. Certainly. As was said earlier, the primary change in the classification standard is to lower the amount of experience that is required and also, instead of accumulating the experience, to require only that the person has experience at the next lower level.

I think it is important to understand that our role with the qualifications standards is a government-wide role. What we are looking for is the standard that will give the agencies the most freedom to do what they need to do. We have moved away from very elaborate and prescriptive standards to set sort of a baseline. Where an agency requires more than our standard requires, we are more than happy to work with them and could easily consider a special standard for VA, if they thought that was in their interest, and their comments to us and discussion suggest they may think that.

Mr. EVANS. If OPM determines an employee is unsuitable during his first year of employment, can your agency terminate the employee without any recourse? What are the grounds for this unsuitability determination?

Mr. CURTIS SMITH. We can terminate. There is an appeal from a decision such as that.

The grounds would be falsification on the employment application, an arrest record or conviction that would disqualify the person, things of that nature.

Mr. EVANS. You report the results of a national agency check to the VA, and then they can make a judgment on suitability, but do you ever make a recommendation to the VA based on that information that you derive from the records on suitability itself?

Mr. CURTIS SMITH. We would do that in the first year when we have authority to act. Beyond the first year, we would report what we found to the agency, and the agency would make the judgment.

Mr. EVANS. Then after that first year, the VA can make a determination of unsuitability?

Mr. CURTIS SMITH. Yes, although they can also make that determination in the first year.

Mr. EVANS. Are there limitations on the time that they have to make that?

Mr. CURTIS SMITH. No, sir. In fact, the VA has worked with us, I believe, to reinvestigate the security force. If something comes up at that time, you would be able to deal with it.

Mr. EVANS. What about the issue of recruitment and retention? Can you compare the VA's police officers to other Federal law enforcement and other police officers?

Mr. CURTIS SMITH. Not with any great detail, and I would be happy to provide more for the record. We have had similar problems, I suppose, in recruiting and retention in the Washington area that we have worked through at the request of the Congress recently with Park police and Secret Service Uniformed Division and the various numbers of police bodies that we have in the Washington area.

I think it is fair to say that recruitment and retention for police officers is difficult generally and not just in the VA.

Mr. EVANS. Has the special pay been useful in retaining VA police officers, and how does the use of special pay for our police officers in the VA compare to other police officers hired by the Federal Government?

Mr. CURTIS SMITH. Well, it certainly is useful in response to similar labor market conditions. We find with special pay rates generally that they do, in fact, provide some help. With police forces, I would suspect that they are particularly useful.

Sometimes, when the private sector is free simply to leapfrog our pay rates, the effect you get from special pay is a limited thing in terms of time, but with police officers, we are working against other governmental units primarily. As you can see from the VA figures, there is some apparent relief when pay goes up.

Mr. EVANS. I will recognize minority counsel.

Mr. KINGSTON SMITH. Thank you, Mr. Chairman.

What would have to happen, Mr. Smith, for the VA special police, as they are categorized, I understand, to be put into a higher pay classification?

Mr. CURTIS SMITH. The VA would determine that they were doing duties and needed qualifications that required and matched up with a higher classification, which carries with it the higher pay. There are a range of classifications for this kind of work, and where an individual employee falls is a consequence of what the agency has determined the employee is to do.

Mr. KINGSTON SMITH. Ignoring some possible other problems with wage grade classifications, would putting VA police officers under a wage grade pay scale improve their pay situation?

Mr. CURTIS SMITH. I don't know the answer to that question. I will be happy to provide it. It is fairly technical.

Mr. KINGSTON SMITH. Will you please respond for the record?

Mr. CURTIS SMITH. Certainly.

Mr. KINGSTON SMITH. Thank you.

That is all the questions we have, Mr. Chairman.

[Material to be supplied follows:]

The Federal Government's wage grade pay system is designed to deal with blue collar occupations rather than police officers, so it would probably not be a good pay system for these employees. We think the current system of paying them under the Governmentwide General Schedule works better, particularly since higher pay rates can be authorized under the General Schedule for particular localities whenever recruiting or retention problems arise.

Mr. EVANS. Thank you very much, Mr. Smith.

Mr. CURTIS SMITH. You are welcome.

Mr. EVANS. Our next witness panel represents the American Legion and the VFW. Representing the Legion are Mr. Samuel Walsh, Assistant Director, National Legislative Commission. He is accompanied by Ronald Kirk, Assistant Director, National Veterans' Affairs and Rehabilitation Commission.

Representing the VFW is Dennis Cullinan, Assistant Director, National Legislative Service.

Again, both of your statements will be included fully in the record, and we wish you to summarize in the interest of time.

STATEMENT OF SAMUEL J. WALSH, ASSISTANT DIRECTOR, NATIONAL LEGISLATIVE COMMISSION, THE AMERICAN LEGION; ACCOMPANIED BY RODNEY KIRK, ASSISTANT DIRECTOR, NATIONAL VETERANS' AFFAIRS AND REHABILITATION COMMISSION

Mr. WALSH. Thank you, Mr. Chairman. Mr. Rodney Kirk will present our brief testimony this morning.

Mr. KIRK. Thank you.

Mr. Chairman, with respect to the VA medical centers and clinics, the agency is totally responsible for the safety and security of patients and staff, protection of government property, the protection of property of patients and staff that is reasonably on the VA grounds, and the orderly conduct of affairs at VA installations. These responsibilities are not now being met by the Security Service of VA in all instances.

Although the issue of inadequate salaries still remains a valid problem, various corrective actions have been implemented to somewhat alleviate this concern. Most notably is the fact discussed this morning of special salary rate increases and the fact that they may now be authorized by the Administrator of Veterans' Affairs requiring only a review by the Office of Personnel Management. We are told this has considerably shortened the turnaround times for these requests.

We note for the record that as of April 1, 1988, 31 VA medical centers were authorized special salary rates of pay for VA police officers under Title 38.

One situation concerning these special salary rates was raised this morning and must be reiterated by the American Legion. Oftentimes, an individual facility will receive authorization for these rates, but the facility and/or the region will not have the resources available to adequately fund these requests. As was mentioned this morning, four VAMC's currently have applications pending, because DM&S lacks adequate resources to implement these increases.

The American Legion feels there must be a mechanism in place that would provide the necessary funding to implement these increases that receive authorization from VA central office.

Money does, however, remain a valid concern to the individual officers in the field, especially when VA security officers see other VA employees with fewer responsibilities and certainly less dangerous occupations making much more money than they are, possibly for just pushing a broom. These officers rightfully feel that the pay scale for VA security officers is not in balance with the responsibilities and dangers of their mission, and the American Legion agrees.

The Legion also shares these officers' concerns pertaining to the lack of upward mobility within the service. Both these issues contribute to the turnover rate as officers transfer to other jobs, often within the same facility.

The issue of recruiting qualified security officers has been a concern of the American Legion over the past several years. Hiring practices must be strengthened at the field level with more direction and guidance coming from VA's central office, especially in the area of pre-employment screening of police officer applicants.

The American Legion has been informed that background checks, or arrest record checks, as they are commonly referred to, are the responsibility of the field stations. In practice, if individual stations encounter any difficulty in this regard, we are told they need only contact VACO for assistance.

In reality, we would have to question the level of support Security Service in VACO is able to provide on a daily basis, based upon the inadequate number of staff currently assigned to that service.

Mr. Chairman, it is the opinion of the American Legion that the DM&S security and law enforcement program management staff in VACO is woefully inadequate and, therefore, unable to maintain proper oversight of the issues involving Security Service across the system. Currently, the service consists of two capable individuals who are responsible for managing this extensive program across the nation consisting of almost 2,000 officers.

Mr. Chairman, on April 25 of this year, we had a field representative conduct a routine visit to the police training school in conjunction with a regularly scheduled visit to VAMC Little Rock, Arkansas. Several concerns were noted during this visit involving staffing, the physical plant, and other shortcomings associated with the school. We invite your attention to the conclusions and recommendations section of this field representative's report which is contained in our testimony.

In conclusion, Mr. Chairman, VA police officers are no longer just door shakers or escort personnel, as many still perceive them. At VA installations, there are numerous incidents of personal injury, bodily injury or rape, theft of government property and personal property, importation of contraband, and weapons possession. While it is perceive that most directors realize the importance of maintaining a full staff complement within their Security Service, many, because of limited resources, are often faced with the dilemma of either hiring a health care professional or a security officer.

Until starting salaries are improved, the American Legion does not see any permanent solution to the VA Security Service's inability to compete for highly qualified candidates. Many of today's candidates are older, sometimes retired former officers. Many have supplemental income such as pension, therefore enabling them to work for the VA at the GS salaries offered.

Other benefits that will act as recruitment tools should also be explored.

It is obvious that in order to sustain an effective, stable, and professional VA security program, some distinct changes will have to be made to improve the organizational structure. A more vigilant and systematic approach must be implemented regarding arrest record checks across the system.

This approach must be organized, consistent, complete, and available instantaneously to any field station requiring this service. Established procedures concerning pre-employment arrest checks and vouchering of references are not being enforced at the field level.

As one VA police officer recently told an American Legion representative, "There is something wrong somewhere when a Federal officer guarding pandas at the National Zoo easily obtains a GS–7 level, and we have to fight tooth and nail for a GS–5 level." Mr. Chairman, the American Legion agrees with that statement.

That concludes our statement, Mr. Chairman. We would be happy to answer any questions you may have.

[The prepared statement of the American Legion appears on p. 110.]

Mr. EVANS. Thank you very much.

Dennis?

STATEMENT OF DENNIS M. CULLINAN, ASSISTANT DIRECTOR, NATIONAL LEGISLATIVE SERVICE, VETERANS OF FOREIGN WARS

Mr. CULLINAN. Thank you, Mr. Chairman.

The Veterans of Foreign Wars is privileged to have on its staff a number of highly trained and competent field representatives whose primary responsibility is to survey and file reports on the effectiveness of the VA's 172 medical centers. The opinions expressed in this statement are the result of their knowledge in this area and their continuing commitment in meeting their professional goals.

Our assessment of the VA security program, based on information gathered by our field representatives as well as from other sources, is, unfortunately, quite negative. To put it bluntly, morale is extremely low.

One reason for this is that there seems to be little direct interaction between the VACO and the various VAMC security forces. We believe that the director of VA security must become more actively involved with the operation of the various security offices throughout the VA.

Insufficient training of VA security officers is another problem that exists system-wide. Even though the VA is currently attempting to expand its training facilities, officers do not receive sufficient training to properly equip them for their task.

Needless to say, expectations for high work performance are unwarranted when the employee has not been properly instructed in the procedures relevant to the position. The meager two weeks of training currently provided to new VA police officers is completely inadequate.

A high turnover rate in security officers plagues the system. Many employees, it appears, only accept VA security positions as temporary employment or as stepping stones to better jobs in local or State police forces. Certain areas are actually facing a turnover rate of 200 percent.

We believe a primary factor associated with this phenomenon is the very low entry level salary offered by the VA. At present, security officers can expect a starting salary of about $13,500 a year. This is far below the starting salaries offered by other law enforcement agencies and clearly prevents the VA security force from attracting and retaining the high quality individuals needed to assure an effective security force.

In this regard, the VA Security Service has recently been beset with charges of brutality and wrongful behavior. Without commenting on any particular allegations, we will say that this is exactly the sort of thing which may occur within a Security Service plagued with inadequate training, low wages, poor morale, and the inability to attract the requisite high caliber personnel.

It bears mentioning at this time that a report issued by the Office of Special Counsel suggests that members of the Security Service better get training if the VA is going to keep using them as a police force. The VFW cannot agree more strongly with this assessment.

At this juncture, we would offer a few comments on the conditions under which the VA security officers must carry out their responsibilities. We would begin by pointing out that many VA security offices are understaffed. This means that there is inadequate backup when there is an emergency and that at certain VAMC's, there are not enough officers on duty at a given time to provide adequate security throughout the facility.

We would recommend increased staffing as well as increased utilization of electronic monitoring and surveillance devices.

We would also comment that even though weapons may be inappropriate and, indeed, unwanted within a given medical facility, they should be available to officers when they are patrolling the outlying perimeters. This is especially so at night in high crime areas.

We believe making weapons available to officers while patrolling hazardous areas will not only better enable them to carry out their mission but also reduce the risk of their incurring physical harm. Needless to say, of course, this absolutely necessitates the VA Security Service attracting and retaining high caliber personnel and then providing them with adequate training.

The VFW believes that the VA security system can be improved. Foremost in our recommendations is having the Office of Personnel Management review the classification rating for VA security officers and then upgrading the starting level.

By starting at a higher GS rating, the VA would become more competitive with the private sector, resulting in a reduction in the unacceptable turnover rate and an increased ability to obtain high quality personnel. Once these individuals have been brought into the VA security force, they should then be provided with extensive training and the oversight and encouragement of an actively involved security director.

The VFW also recommends that a more thorough pre-employment screening process be implemented so as to reduce the risk of hiring individuals not suited for the job or not likely to enhance the security system at VA medical centers.

Mr. Chairman, I thank you. I would be pleased to respond to your questions.

[The prepared statement of Mr. Cullinan appears on p. 118.]

Mr. EVANS. Thank you all very much.

First of all, we thank you, because you are the recipients of the services, and you have a special perspective. How would you compare the VA police officers to the special police at universities or other hospitals or to the metropolitan police in areas that they serve?

Mr. CULLINAN. Mr. Chairman, at this point in time, there seems to be an unfortunate tendency within the VA Security Service for these individuals to operate more or less as guards instead of police officers. We believe that they should be police officers and equipped

with the requisite ability and skills. We don't see that happening right now except for a few exceptional individuals, of course.

However, the personnel who come into the system at entry level positions aren't really police officers—only in name.

Mr. EVANS. And you think they have to be police officers?

Mr. CULLINAN. Yes, sir.

Mr. EVANS. Mr. Kirk?

Mr. KIRK. We would agree that their level of responsibility is certainly looked at as less than it is in reality. In our statement, we refer to the DM&S uniform monthly crime report. Certainly, that is an indication of some of the serious problems at the medical centers that are ongoing today.

As this subcommittee well knows, the VA medical centers in themselves are virtually gold mines in terms of the number of controlled drugs and the amount of easily accessible cash deposits that are available. Certainly, VA police officers are the first line of defense between those issues and the veteran-patients.

Mr. EVANS. You know, we heard about the problems of morale and so forth, particularly when the two unions testified. It must be particularly discouraging and demoralizing to be actually eligible for special pay and then not be able to receive it.

Do you have any recommendations? The American Legion talked about establishing the means to actually provide the funds required to implement this. Do you have any suggestions to offer at this time?

Mr. KIRK. Mr. Chairman, at this point, the only thing we would add is certainly it is up to the region and/or the medical center, but we have reports where an individual regional director may view security service, as has been expressed here by some this morning, as low priority in his overall budget scheme, and certainly they have the right to say we don't have the money, if the facts prevail.

So, we think perhaps there should be another avenue maybe brought forth that would in fact confirm the fact that they don't have the money, and individual personalities don't dictate denials.

And in line with what you say as far as the morale, it is also negatively affected when you have two medical centers within 100 miles of each other and one security service is making a considerable amount more money than their counterpart just down the street. So, although special salary rate increases, in our opinion, have certainly aided in recruitment and retention, there are the underlying problems that don't surface on a daily basis.

Mr. EVANS. Does the Legion have any position on the firearms issue?

Mr. KIRK. At this point, we do not, sir.

As you know, we have two policy making bodies, our national convention and our national executive committee. During a meeting of the national executive committee in the fall of 1987, a resolution from the department of New Hampshire, encouraging the Legion to support such an issue was rejected by the national executive committee, although I might add that the resolution was a blanket statement in terms of not specifying indoors or outdoors. Clearly this is an issue that will again come before our national convention delegates in the next couple months.

Mr. EVANS. Dennis, you talked about the use of potential electronic monitoring surveillance. Do you know the extent to which the VA is using these kinds of devices at this time?

Mr. CULLINAN. It is our understanding right now that VA central office is reluctant and has advised against employing these devices, saying that they are not effective. However, it has been our experience that these things are indeed quite effective and should be utilized extensively, especially such devices as mounted cameras and so forth.

It enables a relatively small group of men to oversee a large area. We think that is just the sort of thing that could be effectively used.

Mr. EVANS. I recognize minority counsel.

Mr. KINGSTON SMITH. Thank you, Mr. Chairman.

During the course of this hearing, of course, we have asked some hard questions, but I want to reiterate something that the American Legion said in its statement, and that is that the VA police have not received the recognition nor the compensation that they rightly deserve. We are talking about the VA policeman out there in the medical center who is doing a good job under tough circumstances, and they do fine work.

The purpose here is to improve the situation and is not in any way meant as a criticism of the work that police officers in the VA Security Service are performing.

To follow up on another statement by the American Legion about the Federal officer guarding pandas at the National Zoo at a GS-7 level, is it your understanding that that Federal officer is a police officer? Is he a zoo keeper?

Mr. KIRK. It is our understanding that they are with the Smithsonian police, sir, but that hasn't been confirmed in writing at this point.

Mr. KINGSTON SMITH. Thank you.

That is all, Mr. Chairman.

Mr. EVANS. Thank you. We appreciate your time today.

Our final witness today is Mr. Thomas Carpenter, Citizens Clinic Director of the Government Accountability Project.

Mr. Carpenter, please come forward. We will, of course, submit your statement for the record.

I would like to say at the outset that, having reviewed your testimony, I did view it more a critique of the Office of Special Counsel than perhaps particularly relevant to what we are looking into today. However, we started out with the original witness basically defending what you said in your prepared statement, so I guess I should accord you some time to go through that.

However, I would also like you to focus if you will on the Security Service. We would appreciate that.

I don't mean to prevent you from testifying on what you want to testify about, but this is not meant as a fire fight between you and the Office of Special Counsel. We are trying to look into security issues within the VA.

So, given those parameters, I will let you proceed.

Mr. CARPENTER. I understand, Mr. Chairman, and I will try to be brief.

STATEMENT OF THOMAS E. CARPENTER, CITIZENS CLINIC DIRECTOR, GOVERNMENT ACCOUNTABILITY PROJECT

Mr. CARPENTER. Thank you for inviting my testimony. For two years, the Government Accountability Project has represented VA police officers who exposed brutality, abuse, and mismanagement at the Cincinnati Medical Center. We have obtained sworn statements from over two dozen witnesses on 19 beatings, 14 involving minority employees and abused veterans; and new disclosures go beyond the Cincinnati facility.

Our initial findings are that the current VA security leadership nationally appears to have lost sight of its mission. It treats veterans with hostility and abuse, has ignored the civil and constitutional rights of some of those it has taken into custody, engages and has engaged in crude bigotry against minority patients and VA staff, and has allowed its own staff to remain underpaid, ill-trained, and mismanaged.

In our opinion, it has repeatedly waged vindictive and illegal campaigns against whistleblowing officers. Unfortunately for the merit system, we feel that the Office of Special Counsel has played a role in that as well.

The Cincinnati hospital and Chief Daniel R. Wilson highlight these problems. In 1981, Mr. Wilson began his VA career at the Hines, Illinois facility. Apparently, no one did a background check on his previous employment history at the VA, as referred to earlier. An FBI investigation revealed numerous warnings from elected local leaders and some of his co-workers that Officer Wilson had overreacted, used excessive force, and let his police power go to his head at some of these prior facilities.

His subsequent behavior as a detective for the VA at the Dallas Veterans' Administration hospital should have been the last straw. One 1984 incident involved allegedly beating a black employee for running a stop sign. The second involved a female security guard who had complained that during a training exercise, Mr. Wilson had taken her to the rest room and sprayed her breast with mace. Later, Mr. Wilson disguised himself as a gun-waving vagrant and took her hostage, held a gun to her head, and threatened to blow her brains out.

When Mr. Wilson was subdued by the other officers, his wig fell off, and he stated that it was just a training exercise.

The female officer soon resigned, so the Veterans' Administration did not investigate the grievance.

A Dallas VAMC manager described Mr. Wilson as "having a tendency to be too rough and to use foul language" and that he "had a temper and could blow up." However, Mr. Wilson was rewarded for his questionable performance through promotion to chief at the Cincinnati VA hospital where he imported his aggressive and sometimes brutal law enforcement style.

By contrast, John Berter was a compassionate and exemplary officer with seven years of spotless VA performance when Wilson arrived at that hospital in February of 1985. Mr. Berter witnessed several instances of brutality, and, by that fall, he and other VA officers decided to seek an investigation of some of the harassment.

When anonymous letters had no impact, Mr. Berter and the others visited the Cincinnati FBI which then opened an investigation. As soon as the VA managers at Cincinnati learned, Berter suddenly developed performance deficiencies never noticed or commented upon in his previous seven-year career.

Mr. Berter and the others had the courage to challenge uncivilized behavior, but their reward was ruined careers and a knife in the back from the agency to whom they had turned for help. It is the height of duplicity, in our opinion, for the Office of Special Counsel to testify today about their recommendations for improving VA security based on evidence turned up in Mr. Berter's investigation and still claim that he did not have a good faith belief for his dissent.

The OSC's conclusions about Mr. Berter and his fellow officers should be taken with a shaker of salt. We would like you to consider the following three things:

Number one, the OSC found only verbal abuse and "similar intemperate behavior" on the part of Officer Wilson in its close-out letter. By any objective definition, grinding one's heel into a human being's genitalia is not verbal; it is physical abuse. Smashing a victim's face against the wall and refusing to allow the blood to be cleaned is not intemperate; it is barbaric.

The OSC also concluded that beating a handcuffed patient until he required four stitches in his mouth was only arguably over-reactive and "not tantamount to brutality."

Number two, the OSC contends that Mr. Berter's spelling and grammar errors were greater than other officers, so it was not discriminatory to discharge him, but the Special Counsel told the FBI that Mr. Berter's mistakes were "no different generally than other VA officers there." In fact, the Special Counsel ignored evidence that the officer with the most mistakes was promoted to acting chief after Wilson's forced departure.

Number three, the Special Counsel dismissed the credibility of all Chief Wilson's brutality victims as felons, drug addicts, or mental patients. This is literally false in some instances, and for the truthful portions, demonstrates an astounding insensitivity to veterans who needed help and, instead, received beatings.

Number four, the Special Counsel misrepresented the testimony of at least five witnesses who tried to support Mr. Berter's reprisal complaints.

Number five, OSC investigators interviewed sensitive witnesses in Chief Wilson's trailer with him on the other side of a thin wall next to where a confidential witness was sitting. Chief Wilson could hear everything which raises questions as to whether the OSC wanted to avoid testimony supporting Mr. Berter and wanted to facilitate reprisals against those who supported him.

Finally, number six, the OSC consistently chose to accept Mr. Wilson's denials over sworn statements from officers, eye witnesses, and victims based on trivial disparities such as whether the victim's groin area or his testicles were stomped.

Privately, the Special Counsel's internal report repeatedly confirmed that Mr. Wilson acted as a violent, aggressive, and corrupt officer. It quoted Mr. Wilson that he could "fix it so that street

people could see a doctor," and he told at least one suspect that he would "make a little girl out of him."

Similarly, there is verification that Mr. Wilson testified falsely about his employment history, his knowledge of the alleging officers' identities, and his role in Mr. Berter's negative performance appraisal.

We find it particularly disturbing, however, that contrary to VA regulations, hospital management did not investigate the charges. The alleging officers were all harassed and eventually fired on petty and sometimes trumped up charges by the man accused of the abuse.

Instead, VA management concentrated on damage control rather than truth seeking, worrying more about its public image than whether some of its veteran patients might have been abused. To illustrate, VA staff repeatedly insisted that Mr. Turnage use his personal friendship with Attorney General Ed Meese to "facilitate an end to the FBI's investigative activities."

Could it be that the VA was afraid of what the FBI might find? Is there a question of obstruction of justice?

In a similar vein, the VA staff crowed its glee in an internal memorandum that it had intervened to postpone a fact finding Congressional visit to the Cincinnati hospital.

Unfortunately, VA dissenters nationally are consistently dealt with in a harsh and retaliatory manner. When a VA officer, Vernon Mize, exposed serious drug trafficking and other problems at the Palo Alto facility, his boss, Jerome Hoban, illegally retaliated. Mr. Hoban's conduct was too much even for the Special Counsel who successfully prosecuted him in 1984, but the story did not stop there.

Charles Manuel, a VA officer who corroborated Mr. Mize's allegations as a hearing witness, became a new dirty tricks victim. Two of VA Security Chief James Fasone's investigators were sent to Manuel's facility. While there, they allegedly overheard a conspiracy by Manuel to manufacture evidence.

The two investigators then testified in the Merit Systems Protection Board hearing in an effort to discredit Mr. Manuel's testimony. The effort backfired, however, when the judge ridiculed the investigators' testimony, stating the testimony of Enos and LeBlanc, the two investigators, was "bizarre, smacked of serendipity, and simply was not reliable."

In 1983, a VA officer named Torres made a series of theft ring allegations at the Dallas VA hospital. A member of Mr. Fasone's undercover unit was sent to investigate but instead made Mr. Torres the target and accused him of allegedly possessing a dangerous weapon and smoking pot. When Torres denied the charges, LeBlanc demanded to search his car, threatened to arrest him if he refused, and allegedly opened his briefcase and displayed a handgun.

Mr. Torres reluctantly consented, and LeBlanc found what he called a dangerous weapon, a metal cable, underneath the seat of Mr. Torres' car. Torres was charged with possession of a dangerous weapon, and Investigator LeBlanc flew at VA expense to testify in Torres' hearing a few months later. Torres was convicted, given a suspended sentence, and fired.

In short, LeBlanc was sent to investigate Torres' charges of theft ring but made Torres the target of the investigation instead.

In Wilkes-Barre, Pennsylvania, the same harassment pattern has again emerged. Office John Riedmiller and several other officers were recently fired on trumped up charges after exposing corruption, patient abuse, and fraud in the Security Service and at the hospital. Officer Riedmiller had made repeated disclosures to the Wilkes-Barre VA management, the IG, and Mr. Fasone's office.

He was fired on April 1 of this year for allegedly possessing an unauthorized document. Curiously, the Pennsylvania Department of Unemployment found that Mr. Riedmiller was not fired for good cause and awarded him and another officer full benefits, despite the insistence of wrongdoing.

As I understand it, the VA is still investigating. Mr. Fasone has also sent a staffer to check, but nothing has been done on the fired officers' behalf.

What is the VA's message to its officers? Laws or no laws, any and all dissent will be harshly and promptly squelched with the whistleblower targeted for removal.

The VA, in our opinion, must start respecting Federal law and stop retaliating against those whose only crime is to obey the code of ethics. Otherwise, the VA Security Service miseries will continue.

I urge this subcommittee to review the dismal record of the VA Security Service and observe that, for the past eight years, recommendations similar to those offered by the OSC today were proposed at a 1981 hearing that you referred to earlier as well as other reports and hearings. All of these recommendations continue to be ignored, leading to more hearings like today's.

Enough is enough. It is time to remove the man in charge of the Security Service, the man who sends out dirty tricks teams to build cases against dissenters, the man who stood by and did nothing about a chief accused of the most egregious behavior, the man who has allowed brutality and racism to continue unabated in the Security Service. I am speaking of Mr. Fasone whose full role in all these cases is still unknown.

The Security Service at the VA has to develop a new mentality. It has to start treating veterans with respect and stop acting like a bureaucratic "Dirty Harry." It must implement internal procedures that guarantee and protect the rights of its employees who challenge these problems and illegalities and other abuses.

It needs better training. Yes, it needs better funding and a respect for the civil and constitutional rights of those whom it is supposed to protect.

The second problem is the lack of independence and integrity within the VA's Inspector General office. Why does Mr. Fasone have as his assistant a man who used to work for the IG, a man who in 1984 investigated and cleared Mr. Fasone of wrongdoing.

I am referring to Mr. William Harper who recently visited the Wilkes-Barre VAMC for Mr. Fasone. I am also referring to Mr. Paul Cravato, recently of the OSC, an investigator on the Cincinnati VA case for the OSC, who sometime in the last few months began a new career as a VA Inspector General agent.

Without these steps, there likely will be more and more hearings like today's. None of us wants that, but none of us can allow our veterans to keep getting beaten by the police who are supposed to protect them.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Carpenter appears on p. 121.]

Mr. EVANS. Well, let's look beyond the IG. Now, the incidents of abuse and brutality at the Cincinnati VAMC were basically investigated by the Department of Justice, Civil Rights Division, and they made a decision not to prosecute these alleged acts of abuse, because they found insufficient evidence.

How would you explain that, and have you provided the Justice Department with all the results of your investigation?

Mr. CARPENTER. Well, it is interesting that the FBI and the Department of Justice declined to prosecute based on the fact that the testimony of the four officers who had been fired, because they had been fired, was, in their minds, tainted as well as the fact that a lot of the victims of the abuse were drug addicts or felons, similar to what the OSC was saying.

So, they were saying they could not build a case that would hold up in court. However, from reading the OSC report and the FBI report, what we could get of it, there certainly did seem to be a lot of confirmation of some of the allegations against Mr. Wilson. We suspect that there might have been some back room dealing by Mr. Turnage per his staff recommendation that he contact—

Mr. EVANS. You suspect, but you don't have any evidence to—

Mr. CARPENTER. We have two memoranda from the DM&S staffers that we obtained through the Freedom of Information Act. They suggested that Mr. Turnage use his personal friendship with Mr. Meese to facilitate an end to the FBI's investigative activities.

Mr. EVANS. These are memoranda of the Veterans' Administration?

Mr. CARPENTER. Yes, sir. I have copies with me.

Mr. EVANS. You have copies? Okay, I would like to get copies of those documents.

Mr. CARPENTER. I would be happy to supply those.

[The material to be supplied appears on p. 137.]

Mr. EVANS. You are familiar with the letter supposedly written by an anonymous Vietnam veteran which alleges physical abuse by the VA medical center police at Cincinnati? Who conceived that letter?

Mr. CARPENTER. The VA security policemen among themselves, four of them, helped conceive that letter and decided that something had to be done. However, fearing retaliation which in fact did eventually occur, they strove to protect their own identities and sent out their two versions of anonymous letters, one a typewritten version that had the names of some of the veterans that were abused and one that was purportedly from a veteran that was written by Mr. Berter and another person that was put into a first person as opposed to a third person account in order to conceal his identity.

One comment on that is, ironically, the OSC attacked Mr. Berter for being a publicity hound at the same time attacking him for seeking anonymity. So, we don't see anything wrong with officers

attempting to get an investigation of these types of allegations going through an anonymous letter, knowing that what is to come is that their careers might be ruined.

Mr. EVANS. Well, the concern about manufactured evidence must be one that you have to weigh in any investigation.

Mr. CARPENTER. There was no evidence manufactured in this case. Mr. Berter and the other officers were attempting to get an investigation of real brutality incidents that they eye-witnessed and that had been confirmed by over 20 other people from whom we have obtained affidavits and on which the OSC has gotten medical records.

The attempt to get an investigation through an anonymous letter of that type was, obviously, ill-advised. They should have come right out and told everything they knew from the very beginning, but they were afraid for their careers, and justifiably so since they were all soon fired.

Mr. EVANS. Well, what about the victims of this alleged abuse? Have they initiated any civil or other legal actions at this time?

Mr. CARPENTER. There are some civil actions going on. I am aware of two or three.

Many of the victims have been on the receiving end of the court system as opposed to being able to utilize it. Many of the victims were minority members. Some were psychiatric patients, et cetera.

We are not suggesting that Mr. Wilson targeted his victims in a manner that would come back on him. I think he picked people very carefully.

Mr. EVANS. I am not in a position to go through each and every factual dispute between your organization and the Office of Special Counsel. Obviously, these are serious charges. We are concerned about the validity of these charges, but I would like to point out that Mr. Wilson now is out of the system. He has retired, so at least in terms of future problems, I guess he won't be within the Veterans' Administration.

At this time, let me yield to minority counsel.

Mr. KINGSTON SMITH. Thank you, Mr. Chairman.

Mr. Chairman, we don't have any questions for Mr. Carpenter, but we would like to ask unanimous consent to place several items in the record.

The first is a December 18, 1986 letter to Mr. Stephen S. Trott, the Associate Attorney General of the Department of Justice, from the Administrator of Veterans' Affairs, Thomas Turnage, regarding the investigation at Cincinnati, Ohio, and it will speak for itself. And this is in light of Mr. Carpenter's testimony in which he makes certain suggestions regarding the use of personal friendships and so forth.

The second is a letter to Mr. John Berter from Mr. William E. Reukauf, Associate Special Counsel for Prosecution in the Office of Special Counsel. If it would be inappropriate for this to be placed in the record, I hope that the Office of Special Counsel would so advise us, but I would ask that this March 31, 1988 letter to Mr. Berter be placed in the record subject to advice by the Office of Special Counsel.

Mr. EVANS. Subject to that condition, we would include it in the record.

[Materials to be supplied appear on p. 186.]

Mr. EVANS. Mr. Carpenter, that is in fact the memo, the first document that you were referring to. Is that correct?

Mr. CARPENTER. That is correct. I would also request that you supplement that record with their report of investigation and prosecution memoranda which we feel, in part, contradicts some of their conclusions in their letter, and let the facts hang out.

Mr. EVANS. All right. Now, I am sorry, but who is that from?

Mr. CARPENTER. The OSC.

Mr. EVANS. All right, we will be glad to include that as well.

Mr. CARPENTER. Thank you.

Mr. KINGSTON SMITH. Mr. Chairman, if I may, I would suggest that this be placed in the committee files. The printing costs begin to run high on the record, and I believe the gentleman refers to this document. Is that correct, sir?

Mr. CARPENTER. That is correct.

Mr. KINGSTON SMITH. It is rather voluminous.

Mr. EVANS. Okay. We will look at what is relevant, Mr. Carpenter, because it is rather voluminous to include this and reprint something that has already been printed. We appreciate your time today.

Mr. CARPENTER. Thank you.

Mr. KINGSTON SMITH. Thank you, Mr. Chairman.

Mr. EVANS. Thank you.

We have a vote and we have concluded with the witnesses, so we will adjourn the hearing at this point.

[Whereupon, at 11:43 a.m., the subcommittee adjourned.]

APPENDIX

STATEMENT OF

ERIN MCDONNELL, DEPUTY SPECIAL COUNSEL

OFFICE OF THE SPECIAL COUNSEL

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

COMMITTEE ON VETERANS' AFFAIRS

U.S. HOUSE OF REPRESENTATIVES

ON

VETERANS ADMINISTRATION SECURITY SERVICE

AND THE

PROVISION OF SECURITY AT VA MEDICAL CENTERS

MAY 19, 1988

Mr. Chairman and Members of the Subcommittee:

On behalf of Special Counsel Mary Wieseman and the Office of Special Counsel (OSC), I want to thank the Subcommittee for the opportunity to present the OSC's views on the policies, practices, procedures, objectives and effectiveness of Security Service operations at Veterans Administration Medical Centers (VAMCs). From the records of previous hearings by the Subcommittee on Hospitals and Health Care, and discussions with the staff of this Subcommittee, it is clear that the Committee on Veterans' Affairs has had a long-standing commitment to more efficient and effective Security Service operations. The OSC sincerely hopes that its perspectives, together with the results of recent audits undertaken by the VA Office of Inspector General (OIG), assist this Subcommittee in its current review of the VA Security Service.

The Special Counsel formally conveyed the observations and

recommendations that I will discuss today in a letter to Acting VA Inspector General Renald F. Morani on March 31, 1988. I would like to offer a copy of that letter for the record of this hearing. That letter responded to an earlier request from then-Inspector General Frank Sato, who invited the Special Counsel to provide his office with the benefit of any observations and recommendations concerning VA police practices, for reference primarily in the OIG's system-wide audit of Security Service operations at various VAMCs. At the time of Inspector General Sato's request, the OSC and OIG were engaged in investigations of allegations by former employees of the Security Service at the VAMC in Cincinnati, Ohio, that Security Service officials there had engaged in prohibited personnel practices (primarily, reprisal for whistleblowing) and abuse of patients and visitors to the hospital.

Some clarification regarding the respective authorities and jurisdiction of the VA-OIG and the OSC may be helpful at this point. The Inspector General Act of 1978 authorizes the OIG to conduct, coordinate and supervise audits and investigations of VA programs and operations. The Civil Service Reform Act of 1978 established the OSC to (among other purposes not relevant to today's hearing) investigate and prosecute the 11 prohibited personnel practices defined by law, including but not limited to reprisal for whistleblowing, as well as other activities prohibited by civil service law, rule or regulation. In regard to the latter responsibility, a decision of the Federal Circuit Court of Appeals in April of 1987 limited OSC jurisdiction by finding that the OSC has no general grant of authority to investigate violations of law, rule or regulation unrelated to the exercise of personnel functions. For that reason, the OSC does not undertake its investigations to evaluate the effectiveness or efficiency of agency operations, or to develop evidence of violations by agency employees of the laws, regulations or procedures governing those operations.

The observations and recommendations reported in the Special Counsel's letter to Mr. Morani, therefore, derive from the OSC's

experience since 1983 in three separate investigations of alleged prohibited personnel practices involving Security Service personnel at two VAMCs. These three investigations concentrated closely on disputed personnel matters and decisions involving Security Service employees, rather than on the economy, efficiency or effectiveness of Security Service operations generally. As a consequence, the OSC does not claim wide exposure to police practices generally at the VAMCs. Each OSC field investigation of allegations involving Security Service personnel, however, has been intensive. Our on-site inquiries, including interviews of Security Service personnel and reviews of Security Service records, as well as our legal reviews of the evidence obtained and our experience in litigation involving Security Service employees, have produced indications of possible weaknesses in VA police policies or procedures.

I should note at this point that the OSC Investigations Division has heavily recruited former police officers from major metropolitan police departments and military and civilian federal criminal investigators with extensive investigative experience, including investigations of police misconduct. The OSC litigation staff is composed entirely of attorneys who have at least some experience (in some cases, extensive experience) in criminal investigation and prosecution, as do the Special Counsel and I. If our observations and recommendations have merit, it derives from this collective experience, both with practices and procedures of professional police departments and other law enforcement units, and with Security Service operations in three different OSC investigations. These considerations, not to mention the previous OIG experience of the Special Counsel and other senior OSC staff, prompted Inspector General Sato to ask the Special Counsel to provide him with the OSC's observations on the operations of the VA Security Service.

The OSC's observations about Security Service operations and personnel can be distilled into three basic points:

-- Many of the VA police with whom OSC personnel came into contact did not appear to be well-trained.

-- VA police appear to be in need of closer, centralized regulation and oversight, with day-to-day control remaining with the hospital directors.

-- Incident reporting by the VA police was frequently non-existent or inadequate in contemporaneously reporting incidents of both obvious and possible later importance.

The particular observations and recommendations reported by the Special Counsel in her letter to the Acting Inspector General were as follows:

1. If the VA continues to believe that VAMCs require police rather than security guards, much better training and supervision are necessary. VA police could receive state-of-the-art training at the Federal Law Enforcement Training Center in Glynco, Georgia.

2. The VA should establish a professional central office staff to oversee all VA police practice, policy, training and performance. This staff should review all complaints about VA police conduct, should conduct strict military-type, unannounced inspections to review records, inventory evidence and property, and both observe and examine police concerning their understanding of applicable laws and established procedures. The VAMC directors should be specifically instructed on the parameters of day-to-day direction of police activities by both directives and training.

3. No VAMC chief of police should be in a position of negotiating the resignation of an employee found by the police to have committed a criminal violation or other infraction. Any such

negotiations should be conducted within the supervisory chain of authority over the employee. The police should not be put in the position of appearing to settle violations based on their own evidence. As a corollary to this recommendation, the VAMC itself should not "settle" criminal misdemeanors unless the U.S. Attorney (or District Attorney, where applicable) has declined prosecution or unless a declination agreement is in force.

4. We noticed numerous undocumented detentions to have occurred, some of which became controversial. Any use of force by VA police should be reported in detail. Temporary detentions are an obvious necessity (e.g., to identify a disoriented patient found wandering or to identify and eject a trespasser). It is an equal necessity for detailed incident reports to be made and retained, both as good administrative practice and to facilitate future investigations of complaints.

5. VA police were used in one case to subdue a delirious patient for treatment. This appears to us to be more appropriately a medical responsibility. Police are usually trained only in the use of force necessary for self-defense or to effect an arrest--which may be more force than is appropriate for a patient. If the police are used to subdue patients, the police or the attending medical staff, or both, should be required to make detailed reports of each incident.

6. Evidence seized by VA police should be carefully accounted for and should be subjected to periodic, scrupulous inspection. In one case, we were told that no record of seized marijuana could be located, although an investigative report stated that marijuana had been seized. In another investigation, we discovered a firearm which, although properly secured, had never been entered into the evidence accounting system.

7. Only properly trained, demonstrably qualified, persons should conduct criminal investigations in VAMCs. Criminal investigations should be carefully supervised and reported. In one incident, we observed that the only record maintained by a VA detective documenting a key conversation he professed to have overheard while undercover was written on the cover of a paperback book which the detective later claimed to have lost. In another matter, we observed a chief of police place a newly-hired policeman undercover in a highly sensitive matter for which the undercover officer had no evident qualifications. Felony criminal investigations and all undercover investigations should only be conducted by or with the approval of the OIG and be carefully reported and closely supervised.

Since Mr. Sato's request, we have discussed our observations and recommended improvements with senior OIG officials, particularly in relation to that office's ongoing series of audits of Security Service operations at various VAMCs. We have reviewed the audit reports issued to date, reporting the results of reviews conducted at VAMCs in New Orleans, Louisiana, and Oklahoma City, Oklahoma. The audits indicate systemic problems of a kind that would help explain at least some of the problems that we have perceived. In turn, we have reason to believe from our discussions with OIG officials that many of our observations correlate to deficiencies that their office has noted in Security Service policies or procedures. That said, the OSC must defer to any audit or investigative findings by the VA-OIG, to which oversight of the economy, efficiency and effectiveness of VA Security Service operations as a whole is committed by the Inspector General Act.

This concludes my prepared statement. I would be happy to answer any questions that members of the Subcommittee might have at this time.

OFFICE OF THE SPECIAL COUNSEL
U.S. Merit Systems Protection Board

The Special Counsel

1120 Vermont Avenue, N.W., Suite 1100
Washington, D.C. 20005

March 31, 1988

Mr. Renald P. Morani
Acting Inspector General
Veterans Administration
810 Vermont Avenue, N.W.
Washington, D.C. 20420

Dear Mr. Morani:

The purpose of this letter is to convey to you the observations and recommendations of the Office of the Special Counsel (OSC) for improving the performance of Veterans Administration (VA) police at medical centers. As I explained to you during our meeting on February 29, former Inspector General Frank Sato asked the OSC to advise him of any such recommendation based on our experience in several investigations of alleged prohibited practices at various Veterans Administration Medical Centers (VAMCs) in recent years.

The observations and recommendations are as follows:

- If the VA continues to believe that VAMCs require police rather than security guards, much better training and supervision are necessary. VA police could receive state-of-the-art training at the Federal Law Enforcement Training Center, Glynco, GA.

- The VA should establish a professional central office staff to oversee all VA police practice, policy, training and performance. This staff should review all complaints about VA police conduct, should conduct strict military-type, unannounced inspections to review records, inventory evidence and property, and both observe and examine police concerning their understanding of applicable laws and established procedures. The VAMC directors should be specifically instructed on the parameters of day-to-day direction of police activities by both directives and training.

- No VAMC chief of police should be in a position of negotiating the resignation of an employee found by the police to have committed a criminal violation or other infraction. Any such negotiations should be conducted within the supervisory chain of authority over the employee. The police should not be put in the position of appearing to settle violations based on their own evidence. As a corollary to this recommendation, the VAMC itself should not "settle" criminal misdemeanors unless the U.S. Attorney (or District Attorney where applicable) has declined prosecution or unless a declination agreement is in force.

- We noticed numerous undocumented detentions to have occurred, some of which became controversial. Any use of force by VA police should be reported in detail. Temporary detentions are an obvious necessity, (e.g.,to identify a disoriented patient found wandering or to identify and eject a trespasser). It is an equal necessity for detailed incident reports to be made and retained, both as good administrative practice and to facilitate future investigations of complaints.

- VA police were used in one case to subdue a delirious patient for treatment. This appears to us to be more appropriately a medical responsibility. Police are usually trained only in the use of force necessary for self-defense or to effect an arrest--which may be more force than is appropriate for a patient. If the police are used to subdue patients, the police or the attending medical staff, or both, should be required to make detailed reports of each incident.

- Evidence siezed by VA police should be carefully accounted for and should be subjected to periodic, scrupulous inspection. In one case, we were told that no record of seized marijuana could be located, although an investigative report stated that marijuana had been seized. In another investigation, we discovered a seized firearm which, although properly secured, had never been entered into the evidence accounting system.

The Special Counsel

Renald P. Morani
Acting Inspector General
Veterans Administraion
Page Three

- Only properly trained, demonstrably qualified, persons should conduct criminal investigation in VAMCs. Criminal investigations should be carefully supervised and reported. In one incident, we observed that the only record maintained by a VA detective documenting a key conversation he professed to have overheard while undercover was written on the cover of a paperback book which the detective later claimed to have lost.

  In another matter, we observed a chief of police place a newly-hired policeman undercover in a highly sensitive matter for which the undercover officer had no evident qualifications. Felony criminal investigation and all undercover investigation should only be conducted by or with the approval of the Office of Inspector General and be carefully reported and closely supervised.

I hope that the above is useful to you. We appreciate the opportunity to cooperate with you in this way.

Sincerely,

Mary F. Wieseman

Mary F. Wieseman
Special Counsel

MFW/RDL'H:rr

STATEMENT OF

RENALD P. MORANI

ACTING INSPECTOR GENERAL

VETERANS ADMINISTRATION

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON VETERANS' AFFAIRS

OF THE

U.S. HOUSE OF REPRESENTATIVES

MAY 19, 1988

Mr. Chairman and Members of the Subcommittee:

I am pleased to discuss the results of our recent audits of VA Security Service and the status of audits currently in process.

The National Cemeteries Act of 1973 (Public Law 93-43) added Section 218 to Title 38, United States Code, and authorized the VA to use police officers rather than guards to maintain law and order and to protect persons and property on land and in buildings under VA jurisdiction. The Veterans' Health Care Act of 1984 (Public Law 98-528) significantly expanded VA police officers' authority with respect to law enforcement powers. Currently, VA Security Service has 2,050 employees, of which about 1,900 are police officers at 172 medical centers and 2 outpatient clinics. Within DM&S, the Director, Security Service provides program guidance and direction for security operations. VAMC Directors provide day-to-day management of security activities at each medical center.

Since April 1986, the Office of Inspector General has received a number of complaints via the hotline concerning VA police

officers. Allegations included unprofessional conduct, criminal histories, excessive use of force, and inadequate training. Some of these issues were also reported in newspapers. The Administrator expressed concern with the allegations. As a result, we started a nationwide audit of VA Security Service in August 1987. Our primary audit objectives are to determine whether: (i) police officer applicants are adequately screened and meet OPM requirements for employment; (ii) VA police officers are adequately trained; and, (iii) Federal laws are adequately enforced and crimes are properly investigated and reported.

To date, audit reports have been issued on security service activities at two VAMCs - New Orleans and Oklahoma City. These audits have identified several conditions as follows:

- At the two medical centers, we reported that 58 percent of the police officers (25 of 43) either did not have the required 2 years of arrest authority experience when they were hired, or were terminated or resigned from law enforcement agencies and other employers under questionable circumstances.

- Preemployment arrest checks were not always made to identify criminal records. We found that 3 of the 43 officers at the 2 audit sites had been convicted of criminal acts.

- VA field hiring officials did not always contact prior law enforcement employers to determine whether applicants were qualified and suitable for police officer positions.

- Crimes committed against the Government and people at medical centers were not always adequately investigated by VA police officers. About 14 percent of the cases we reviewed (79 of 559) had no preliminary investigations conducted. Furthermore, 79 percent of these cases (439 of 559) had no followup investigations by detectives or supervisory police officers, even though preliminary reports recommended that further investigations be accomplished. This occurred at one location because the case assignment register was not used to monitor followup investigations.

- Monthly crime reports did not accurately record crime statistics at the two medical centers. We could not always identify source documents supporting entries into crime reports. Errors were identified in all reports reviewed. For example, one offense report showed that a Security Service employee was shot in June 1987; however, no report of assault with a dangerous weapon was reported by security personnel in subsequent monthly reports.

- A total of 159 cases involving missing or stolen Government property valued at $140,000 was not reported to the FBI as required by VA policy.

- Local inservice training for police officers was inadequate. At the two sites reviewed, fewer than 8 hours of inservice training was provided annually to each officer. Detectives had received no specialized training in criminal investigations.

- U.S. District Court Violation Notices were not always processed in accordance with rules of the court. At one

location, about 50 percent of the violation notices were dismissed because they were not properly completed or processed timely. At the other location, police officers failed to appear at 8 of the 12 scheduled hearings during a 5-month period. These cases were dismissed by the court because officers who issued the violation notices did not testify on behalf of the Government.

We made specific recommendations for improvements in the following areas:

- o Ensure applicants for police officer positions are qualified and suitable for employment before hiring them.

- o Properly investigate and accurately report all crimes which occur.

- o Increase the amount of inservice training provided for on-duty police officers.

- o Process violation notices in a timely and accurate manner.

Local VA officials agreed with our findings and recommendations and have taken prompt action to correct the conditions reported.

Because of the significance of these conditions, we advised DM&S officials of the need for immediate management action to review the qualifications of police officers and to implement procedures to preclude the hiring of unqualified or unsuitable applicants for police officer positions. As a result of these meetings, management has established a task force to evaluate

and improve preemployment screening and to determine the appropriate security classification and related level of background investigations for police officer positions.

As part of the on-going nationwide audit, we are currently making evaluations of the security services at six additional medical centers. Preliminary evaluations have identified similar conditions to those found at New Orleans and Oklahoma City.

We are also reviewing the organizational structure of VA Security Service and the designated duties and responsibilities of DM&S program officials and regional security officers. In addition, we are evaluating the adequacy of the centralized training being provided at the VA Police School in Little Rock, Arkansas. To aid in this analysis, we are comparing VA training to that provided to other Federal police officers by the Federal Law Enforcement Training Center in Glynco, Georgia.

We expect to have all the field reviews completed and a summary report concerning the management, organization and operation of VA Security Service issued in September 1988.

That concludes my statement, Mr. Chairman. We will be pleased to respond to any questions that you may have.

NATIONAL
FEDERATION
OF FEDERAL
EMPLOYEES

NFFE

1016 16th St., N.W.
WASHINGTON, DC
20036
(202) 862-4400

STATEMENT BY

THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES

BEFORE

THE HOUSE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

CONCERNING

VETERANS ADMINISTRATION POLICE OFFICERS

MAY 19, 1988

87-082 0 - 88 - 3

Mr. Chairman and Subcommittee Members:

On behalf of the National Federation of Federal Employees, which represents 150,000 Federal workers nationwide, I am pleased to appear before you today to discuss the responsibiltities, effectiveness and compensation of the Veterans Administration Police Officers. I am accompanied by Mr. Roger E. Miller, a VA police officer at the Zablocki Medical Center in Milwaukee, WI, and the Secretary-Treasurer and Chief Steward of NFFE Local 3.

The VA Police Officer workforce is a vitally important one that has been undervalued by the Government for too long, and we welcome the opportunity to make their needs known. Few individuals outside the Veterans Administration seem to be aware of the strenuous and dangerous job requirements demanded of VA police officers. To quote only a portion of the critical elements for VA police officers, they must be prepared to

"Arrest persons committing crimes at the Medical Center,
Obtain search and arrest warrants as required,
Advise suspect\offenders of their protected constitutional rights,
Transfer arrested persons to appropriate authorities when incarceration is necessary,
Respond to requests for emergency police services,
Safeguard evidence and seize contraband,
Appear in court as the arresting officer,
Maintain effective crowd/vehicle control at the scene of an accident, during disturbances, and other criminal activity and stadium related events,
Carry out aggressive enforcement of traffic laws and VA regulations,
Issue Federal violations when warranted,
Conduct preliminary investigations and submit a written report,
Comply with response procedures for emergency situations, emergency medical assistance, ambulance and all other medical assistance calls,

Restore traffic flow to the extent possible following an accident,

Apply established rules of search and seizure for collection of evidence and confiscation of contraband,

Conduct proper and thorough investigation of a crime/crime scene,and

Patrol the Medical Center and Medical Center grounds to provide high visibility deterrent and apprehend criminals in order to ensure the safety of persons and property using basic law enforcement techniques."

While many individuals may view the VA police officer as merely involved in the protection of Government property, as the above demonstrates, the officers are in fact the first line of defense against any crime committed on or near VA Medical Center property. There are usually only three differences between most VA officers and the local police: the local police are better paid, allowed to retire earlier and carry weapons for protection. Our statement and recommendations will center on these three areas of pay, retirement and defense.

As the list of critical elements above demonstrates, the job of a VA officer is essentially police work. VA officers are required to have had previous police experience before joining the agency. They are required to perform the same duties as municipal police officers and private security guards. However, VA police officers are graded at GS-5. The pay levels at GS-5 vary from $15,118 to $19,654 annually. It takes a police officer 15 years to reach the highest pay level. A survey of 26 police departments, security services and private security guard salaries in the Milwaukee, WI area, show that the VA officers at the Zablocki Medical Center ranked 20th in starting wages, and 23rd in wages accompanying five years of service. In comparison with guard services only, the Zablocki officers ranked 12th in starting wages and 16th in wages accompanying five years of service. In comparison with police departments only, the Zablocki officers were ranked last in both categories.

This survey also revealed that only the Veterans Administration and the Menomonee Falls Police Department require previous police experience and a degree. The VA is the only service in that area requiring a Bachelor's degree. The VA is the only service where employees must contribute to their health insurance costs. All the surveyed groups except the VA and the Milwaukee Police Department have retirement plans that are entirely employer-sponsored. It is no wonder that the VA Police Service has a difficult time recruiting and retaining qualified individuals.

We would suggest that increasing the classification of VA police officers to GS-6 or GS-7 could significantly reduce the number of officers who leave the VA for more financially rewarding duty with the Drug Enforcement Agency, the Federal Bureau of Prisons and the U.S. Marshalls Service. The Government should not be in competition with itself over the adequate compensation of employees. Yet, because of persistent undervaluation of the VA officer's duties, that has become the case.

VA officers also need the ability to retire earlier than Federal employees in less stressful and physically demanding positions. This option is already available to police and fire officers in other Federal agencies. This early retirement option is not a reward for holding an arduous job, it is instead a necessity for the proper execution of that job. If I might quote a letter from Officer Miller:

> "I am 35 years old, and have been forced to subdue people who come to the VA, and have previously been trained by the US Armed Forces in hand-to-hand combat. After these altercations, I have been bruised, suffered muscle strain and had my clothes torn. If I stay in the VA Police Service, which I want to do, then when I reach upper middle age, I would be less effective, because of my age, in handling these people who are trained in hand-to-hand combat. This would cause me injury of the most serious kind."

To demonstrate the kinds of dangerous situations VA police officers must face, we have included in our testimony a list of the offenses involving drugs and/or weapons that the Zablocki Medical Center officers faced from June 19, 1987 to May 2, 1988. Subcommittee members will note 47 incidents involving knives, 4 incidents involving revolvers, one incident involving a shot gun, one involving a bow and arrow and one involving a hatchet.

Disarming and arresting suspects who are often violent requires considerable strength and agility. An officer who has suffered a reduction in either of these areas because of advancing age, would be a danger not only to himself or herself, but also to the other officers and the entire Medical Center. For the safety of the patients, the employees the visitors and the officers, of the Medical Centers, it is important that the VA police be offered the opportunity to take early retirement at age 55 with 20 years of service. This option ensures the protection of life and property in other Federal agencies, and should be extended to the VA officers as well.

VA officers also need to be issued the means to protect themselves when patrolling in their squad cars. We are keenly aware of the public's feelings about armed oficers in hospitals. While many of the dangers VA police officers face do take place within the hospital, we are not suggesting that officers carry guns inside the buildings. We are suggesting instead that officers be permitted to carry weapons while in their police vehicles during patrols. Weapons could be securely checked at the hospital's main desk when officers entered the building.

To demonstrate why weapons are needed on patrol, I would like to refer to an incident experienced by Mr. Miller. On July 24, 1987, Mr. Miller and other officers were called by radio to go to

a parking area at the VAMC Milwaukee, WI. Upon arrival, they were told by their chief to arrest three men and to search their vehicle. Upon doing so, they discovered in the vehicle: a loaded 22-caliber pistol, marijuana, assorted pills and $1,620 in $20 bills. Only at a later date, were they told that one of the men they had apprehended had been observed by an undercover officer from the VA Central Office making drug deals. Mr. Miller and his fellow officers apprehended the suspect without major incident, however, it must be remembered that they were unarmed and would have been at a great disadvantage if gunfire had erupted. This is just one of many incidents in which VA officers risk their lives against individuals suspected of being armed and dangerous. For the performance of their duties, and protection of their lives, we would suggest that weapons be available to VA officers when on patrol outside the hospitals.

This concludes my statement, Mr. Chairman. Mr. Miller and I would be happy to answer any questions you might have.

SUBMITTED BY THE NATIONAL FEDERATION OF FEDERAL EMPLOYEES

ALL AGENCIES RANKED BY STARTING WAGES (BASE)

NAME	HOURLY	YEARLY
1. MILLER BREWERY SECURITY GUARD	12.50	26,000
2. WAUWATOSA POLICE DEPARTMENT	12.02	24,999
3. A.O. SMITH SECURITY GUARD	11.78	24,502
4. SOO LINE RAILROAD POLICE DEPARTMENT	11.34	23,587
5. WEST ALLIS POLICE DEPARTMENT	11.29	23,483
6. MENOMONEE FALLS POLICE DEPARTMENT	10.79	22,443
7. MILWAUKEE POLICE DEPARTMENT	10.13	21,070
8. ELM GROVE POLICE DEPARTMENT	9.89	20,571
9. WAUKESHA SHERIFF'S DEPARTMENT	9.43	19,614
10. CAPITOL COURT SECURITY GUARD	9.00	18,720
11. MILWAUKEE SHERIFF'S DEPARTMENT	8.94	18,345
12. MARQUETTE UNIVERSITY PUBLIC SAFETY	8.71	18,116
13. MATC SECURITY GUARD	8.21	17,072
14. MUSEUM SECURITY GUARD	8.14	16,931
15. MILWAUKEE SCHOOL CROSSING GUARD	7.23	15,038
16. GOOD SAMARITAN HOSPITAL GUARD	7.10	14,768
17. ST. LUKE'S HOSPITAL GUARD	7.10	14,768
18. BRIGGS SECURITY GUARD	7.00	14,560
19. MILWAUKEE SCHOOL SAFETY AIDE	6.98	14,518
[redacted]	[redacted]	[redacted]
21. ST. JOSEPH'S HOSPITAL GUARD	6.64	13,811
22. ST. MICHAEL'S HOSPITAL GUARD	6.61	13,748
23. NORTHRIDGE SECURITY GUARD	6.05	12,580
24. ST. MARY'S HOSPITAL GUARD	6.04	12,563
25. TRINITY HOSPITAL GUARD	6.00	12,480
26. GRAND AVENUE MALL SECURITY GUARD	5.50	11,440

ALL AGENCIES RANKED BY WAGES WITH FIVE (5) YEARS OF SERVICE (BASE)

1. WAUWATOSA POLICE DEPARTMENT	13.86	28,835
2. WEST ALLIS POLICE DEPARTMENT	13.75	28,600
3. MENOMONEE FALLS POLICE DEPARTMENT	13.44	27,955
4. MILWAUKEE POLICE DEPARTMENT	13.44	27,955
5. ELM GROVE POLICE DEPARTMENT	12.86	26,745
6. WAUKESHA SHERIFF'S DEPARTMENT	12.57	26,145
7. MILLER BREWERY SECURITY GUARD	12.50	26,000
8. MILWAUKEE SHERIFF'S DEPARTMENT	11.90	24,587
9. A.O. SMITH SECURITY GUARD	11.78	24,502
10. SOO LINE RAILROAD POLICE DEPARTMENT	11.34	23,587
11. TRINITY HOSPITAL SECURITY GUARD	10.00	20,800
12. GOOD SAMATITAN HOSPITAL SECURITY	9.88	20,550
13. ST. LUKE'S HOSPITAL GUARD	9.88	20,550
14. MATC SECURITY GUARD	9.75	20,297
15. MILWAUKEE SCHOOL SAFETY AIDE	9.54	19,843
16. MUSEUM SECURITY GUARD	9.16	19,052
17. CAPITOL COURT SECURITY GUARD	9.00	18,720
18. ST. JOSEPH'S HOSPITAL GUARD	9.00	18,720
19. NORTHRIDGE SECURITY GUARD	8.90	18,512
20. MARQUETTE UNIVERSITY PUBLIC SAFETY	8.71	18,116
21. ST. MICHAEL'S HOSPITAL GUARD	8.58	17,846
22. ST. MARY'S HOSPITAL GUARD	8.18	17,014
23. VAMC (MILWAUKEE) POLICE DEPARTMENT	7.84	16,310
24. MILWAUKEE SCHOOL CROSSING GUARD	7.62	15,850
25. GRAND AVENUE MALL SECURITY GUARD	7.35	15,288

SUPPLEMENT (Q-21)

GUARD SERVICES RANKED BY STARTING WAGES (BASE)

NAME	HOURLY	YEARLY
1. MILLER BREWERY SECURITY GUARD	12.50	26,000
2. A.O. SMITH SECURITY GUARD	11.78	24,502
3. CAPITOL COURT SECURITY GUARD	9.00	18,720
4. MARQUETTE UNIVERSITY PUBLIC SAFETY	8.71	18,116
5. MATC SECURITY GUARD	8.21	17,072
6. MUSEUM SECURITY GUARD	8.14	16,931
7. MILWAUKEE SCHOOL CROSSING GUARD	7.23	15,038
8. GOOD SAMARITAN HOSPITAL GUARD	7.10	14,768
9. ST. LUKE'S HOSPITAL GUARD	7.10	14,768
10. BRIGGS SECURITY GUARD	7.00	14,560
11. MILWAUKEE SCHOOL SAFETY AIDE	6.98	14,518
~~12. VAMC (MILWAUKEE) POLICE OFFICER~~	~~6.92~~	~~14,390~~
13. ST. JOSEPH'S HOSPITAL GUARD	6.64	13,811
14. ST. MICHAEL'S HOSPITAL GUARD	6.61	13,748
15. NORTHRIDGE SECURITY GUARD	6.05	12,580
16. ST. MARY'S HOSPITAL GUARD	6.04	12,563
17. TRINITY HOSPITAL GUARD	6.00	12,480
18. GRAND AVENUE MALL SECURITY GUARD	5.50	11,440

****

GUARD SERVICES RANKED BY WAGE WITH FIVE (5) YEARS OF SERVICE

1. MILLER BREWERY SECURITY GUARD	12.50	26,000
2. BRIGGS SECURITY GUARD	12.25	25,480
3. A.O. SMITH SECURITY GUARD	11.78	24,502
4. TRINITY HOSPITAL GUARD	10.00	20,800
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17. MILWAUKEE SCHOOL CROSSING GUARD	7.62	15,850
18. GRAND AVENUE MALL SECURITY GUARD	7.35	15,288

********** ********** **********

*****NOTE*****

VAMC POLICE are the only service surveyed that does not have a 100% company paid health insurance plan.

This amounts to approximately $0.62 per hour.

With this added, the VAMC POLICE would move to:

a. Number 14 (starting wage).

b. Number 18 (after five (5) years

VAMC POLICE are the only service surveyed that does not offer a 100% company paid life insurance plan.

[redacted]

POLICE DEPARTMENTS RANKED BY STARTING WAGES (BASE)

NAME	HOURLY	YEARLY
1. WAUWATOSA POLICE DEPARTMENT	12.02	24,999
2. SOO LINE RAILROAD POLICE DEPARTMENT	11.34	23,587
3. WEST ALLIS POLICE DEPARTMENT	11.29	23,483
4. MENOMONEE FALLS POLICE DEPARTMENT	10.79	22,443
5. MILWAUKEE POLICE DEPARTMENT	10.13	21,070
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8. MILWAUKEE SHERIFF'S DEPARTMENT	8.94	18,345
[redacted]	[redacted]	[redacted]

POLICE DEPARTMENTS RANKED BY WAGES WITH FIVE (5) YEARS OF SERVICE

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6. WAUKESHA SHERIFF'S DEPARTMENT	12.57	26,145
7. MILWAUKEE SHERIFF'S DEPARTMENT	11.90	24,587
8. SOO LINE RAILROAD POLICE DEPARTMENT	11.34	23,587
[redacted]	[redacted]	[redacted]

*****NOTE*****

Only VAMC and Menomonee Falls P.D. require previous police experience or Degree\
VAMC is only service requiring Bachelor's degree.
All except VAMC have 100% company paid health insurance
All except VAMC and Milwaukee Police Department have 100% company paid retirement plan in addition to Social Security. Milwaukee P.D. has company paying 6% of gross wage into plan and employee paying 1% of gross wage into plan.
Only VAMC does not have 100% company paid life insurance plan.

Veterans Administration

SUPPLEMENT (E-1)

Memorandum

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY A. O. SMITH, INC. TYPE OF AGENCY Plant Security

JOB DESCRIPTION: Fixed and mobile patrol. Access control. Respond to emergency calls. In-plant and exterior patrols.

JOB QUALIFICATIONS: 18 years old, Clear police record, clear driving record. Good reputation

PROP VALUE _____ POPULATION _____ EMPLOYEES 5200 WORK FORCE 28

ARMED: ~~Yes~~/No AMBULANCE: Convey on premise only ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: Initial contact only ~~Yes~~/No

PERMANENT SHIFT: ~~Yes~~/No PAID VACATION: ~~Yes~~/No PAID INSURANCE: ~~Yes~~/No

TRAINING PROVIDED: 1 Week On the JOB

RATE 11.78 Hr.

EDUCATION BONUS: ~~Yes~~/No AMOUNT: _____ EDUCATION REIMBURSEMENT: ~~Yes~~/No AMOUNT 80%

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	11.78	2nd .20 3rd .30	Sat. 1.5 Sun. 2.0	Doub.
1 YEAR				
3 YEAR				
5 YEAR				
SUPER ENTRY (SGT)				
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: 12 Days sick days per year. 100% company paid life Ins., 100% company paid family Health Ins. Military leave paid at average wage for last year, up to 15 days per year. Presently, openings are limited to employee transfers.

VA FORM 2105
MAY 1983
U.S. GOVERNMENT PRINTING OFFICE 1981 381-468/2979

SUPPLEMENT (E-2)

Veterans Administration

Memorandum

To:

From:

Sub: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY BRIGGS AND STRATTON TYPE OF AGENCY Plant Security

JOB DESCRIPTION: Insure safety of property and persons on company property. Control access to buildings . Patrol grounds as directed (Vehicle and foot). Monitor video display of security cameras. Deter violations of rules and detect crimes.

JOB QUALIFICATIONS: 21 years. High school graduate. An Associates Degree in Police SCIENCE or substantial security experience. BS Degree preferred.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE 65

ARMED: XXXX/No AMBULANCE: Yes/XXX ARREST: XXXX/No INVESTIGATIONS: Yes/XXX

PERMANENT SHIFT: Yes/XXX PAID VACATION: Yes/XXX PAID INSURANCE: Yes/XXX

TRAINING PROVIDED: All personnel trained as EMT. In-service provided on regular basis.

RATE Rate at time

EDUCATION BONUS: ~~Yes~~/NO XXX AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/XXXX AMOUNT 100%

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	7.00	.30	.50	Comp.
1 YEAR	7.60	.30	.50	Comp.
3 YEAR	8.50	.30	.50	Comp.
5 YEAR	12.25	.30	.50	Comp.
SUPER ENTRY (SGT)				
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: Wages indicated are based on an average. All employees are reviewed annually and raises are granted on an individual basis and subject to available funds.

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Veterans Administration

SUPPLEMENT (E-3)

Memorandum

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY CAPITAL COURT TYPE OF AGENCY Shopping Center Security

JOB DESCRIPTION: Aid and assist shoppers, provide a safe and secure atmosphere for customers. Crowd control, patrol shopping mall. Deter criminal activity and detain violators for Police.

JOB QUALIFICATIONS: High School graduate or Equiv. Ex-police preferred. Must be able to obtain permit to carry handgun.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE 14 FT/6 PT.

ARMED: Yes/~~No~~ AMBULANCE: ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: Yes/~~No~~ (Limited)

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: Firearms training. 2-Day orientation training.

RATE Current Rate

EDUCATION BONUS: ~~Yes~~/No AMOUNT: _____ EDUCATION REIMBURSEMENT: ~~Yes~~/No AMOUNT ___

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	9.00		13.50	13.50
1 YEAR	Varies			
3 YEAR				
5 YEAR				
SUPER ENTRY (SGT)				
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: Raises determined by by merit and are given on individual basis. 100% company f.b.p. Unlimited pay increases.

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SUPPLEMENT (E-4)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY ELK GROVE POLICE DEPARTMENT TYPE OF AGENCY Police department

JOB DESCRIPTION: Enforcemant of all laws, ordinances, and regulations. Preserve law and order, prevent crime, protect life and property, arrest and prosecute criminals, and assist in the anbulance transportation of victims, perform all duties as assigned.

JOB QUALIFICATIONS: 21 to 35 Years. Associates degree in Police Science, or Minimun of 60 College credits. Unrestricted Wisconsin D.L. Sound physical condition. Eyes correctable to 20/20.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE _____

ARMED: Yes/~~No~~ AMBULANCE: Yes/~~No~~ ARREST: Yes/~~No~~ INVESTIGATIONS: Yes/~~No~~

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: In-service/ E.M.T. Training

RATE 9.89

EDUCATION BONUS: Yes/~~No~~ AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT 100% related

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	9.89	None	None	Comp.
1 YEAR	9.89	None	None	Comp.
3 YEAR	12.72	None	None	Comp.
5 YEAR	12.86	None	None	Comp.
SUPER ENTRY (SGT)				
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: Pay raises after 3 yrs. are added at 5.00 per month for each five years of service Employer paid Wisconsin Retirement fund. 12 sick days per yr. can be accumulated. 10 Holidays per year. All equipment and uniforms furnished.

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SUPPLEMENT (E-5)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY GOOD SAMARITAN HOSPITAL TYPE OF AGENCY Hospital Security

JOB DESCRIPTION: Provide security for hospital and surrounding grounds.

JOB QUALIFICATIONS: High School Diploma. 1 year experience in security and 1 year of advanced education above high school. Education and experience can be substituted for the other on a 1 for 1 basis. Prefer at least 1 year of public contact. Valid Driver's License.

PROP VALUE _____ POPULATION 400 + EMPLOYEES 4000 + WORK FORCE 31

ARMED: ~~Yes~~/No AMBULANCE: ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: Yes/~~No~~ (Minor)

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: None

_____ RATE _____

EDUCATION BONUS: Yes/~~No~~ AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT 2000 Yr.

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	7.10			
1 YEAR				
3 YEAR				
5 YEAR				
SUPER ENTRY (SGT)	7.62			
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: 7.10 to 9.88 based on merit. Starting wage negotiable

7.62 to 10.54 based on merit.

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SUPPLEMENT (E-6)

Memorandum

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY GRAND AVENUE MALL TYPE OF AGENCY Shopping center

JOB DESCRIPTION: Patrol shopping mall and connected parking structure. Responsible for safety of patrons and merchants. Detain shoplifters for police.

JOB QUALIFICATIONS: 21 years old. Good communication and writing skills. Prefer B.S. degree or assoc. degree in police science. Prior police experience helpful.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE 30

ARMED: ~~Yes~~/No AMBULANCE: ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: ~~Yes~~/No

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: On going training using VCR Tapes.

RATE Rate at time

EDUCATION BONUS: ~~Yes~~/No AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT 100% Job related

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	5.50	5.78	5.50	13.75
1 YEAR	5.83	6.12	5.83	14.58
3 YEAR	6.54	6.87	6.54	16.35
5 YEAR	7.35	7.72	7.35	18.38
SUPER ENTRY (SGT)	7.00	7.35	7.35	17.50
SUPER 2 (LIEUT)	_____	_____	_____	_____
SUPER 3 (CHIEF)	_____	_____	_____	_____

TURNOVER RATE: _____ %

COMMENTS: Annual pay increases at 6% of Base rate. 12 Holidays per year.

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SUPPLEMENT (E-7)

Memorandum

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY MARQUETTE UNIVERSITY TYPE OF AGENCY School Safety department

JOB DESCRIPTION: Conduct foot and vehicle patrol of university grounds and buildings. Detect and deter crime. Provide for the safety of students and staff. Enforce parking controlled access.

JOB QUALIFICATIONS: 21 years. Valid Wis. D.L. Degree in police science or criminal justice or equivalant experience.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE 20

ARMED: ~~Yes~~/No AMBULANCE: ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: Yes/~~No~~

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: Any job related courses needed to upgrade

RATE Rate at time

EDUCATION BONUS: Yes/~~No~~ AMOUNT: 105.00 per yr. EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT 100% job related

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	8.71	N/A	N/A	21.78
1 YEAR DORM GUARDS	5.04	N/A	n/A	13.60
3 YEAR INFORMATION OFFICERS.	7.38	N/A	N/A	18.45
5 YEAR				
SUPER ENTRY (SGT)				
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: 100% company paid insurance and retirement system All raises are determined through union negotiations.

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SUPPLEMENT (E-8)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY Milwaukee Area Technical Coll. TYPE OF AGENCY Trade School

JOB DESCRIPTION: Patrols buildings and grounds, parking lots, Student assembly areas. Investigates and reports accidents, safety hazards, disturbances, to the Milwaukee Police Department. Enforces student rules and regulations, prevents theft and vandalism.

JOB QUALIFICATIONS: High School grad. or equiv. Knowledge of security practices, ability to deal with people with patience, understand and follow ~~written and oral instructions~~. Ability to excercise alertness and judgement. Valid Wis. DL. Must be able to be bonded. Ability to walk and stand for long periods of time.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE _____

ARMED: ~~XXX~~/No AMBULANCE: ~~XXX~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: Yes/~~XXX~~ Limited

PERMANENT SHIFT: Yes/~~XXX~~ PAID VACATION: Yes/~~XXX~~ PAID INSURANCE: Yes/~~XXX~~

TRAINING PROVIDED: As needed

RATE Rate at time

EDUCATION BONUS: Yes/~~XXX~~ AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~XXX~~ AMOUNT 100%

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	8.21	N/A	N/A	N/A
1 YEAR				
~~XXXXXX~~ 30 Months	9.75	N/A	N/A	N/A
5 YEAR				
SUPER ENTRY (SGT)				
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: 100% company paid life and health insurance. 100% employer funded retirement plan. No weekends, holidays. wages increase every 6 months to top pay after 30 months.

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SUPPLEMENT (E-9)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY MENOMONEE FALLS POLICE DEPARTMENT TYPE OF AGENCY Police department

JOB DESCRIPTION: General police duties as required. Includes patrol and investigation (Preliminary).

JOB QUALIFICATIONS: Associate degree (police science), or Bachelor's degree (Criminal justice), or 3 years experience as full time law enforcement officer, or current full time employment and at least 1 year experience with the Men. Falls PD.

PROP VALUE 33 Sq. Miles. POPULATION 27,544- EMPLOYEES _____ WORK FORCE 55 Off./17 Civ.

ARMED: Yes/~~No~~ AMBULANCE: ~~Yes~~/No ARREST: Yes/~~No~~ INVESTIGATIONS: Yes/~~No~~

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: _____

_____ RATE _____

EDUCATION BONUS: Yes/~~No~~ AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT ___

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	10.70	None	Comp.	Comp.
1 YEAR	11.95	None	Comp.	Comp.
3 YEAR	12.20	None	Comp.	Comp.
5 YEAR	13.44	None	Comp.	Comp.
SUPER ENTRY (SGT)				
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: City paid Health/Dental/ and Life insurance. Wisconsin retirement fund. All uniforms and equipment furnished.

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SUPPLEMENT (E-10)

Memorandum

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY MILLER BREWERY TYPE OF AGENCY Private business

JOB DESCRIPTION: Man post check points, perform time clock check point rounds, monitor remote camera command post.

JOB QUALIFICATIONS: High School graduate or Equiv. Prefer some security training.

'BOP VALUE _____ POPULATION _____ EMPLOYEES 3000 WORK FORCE 32

ARMED: ~~Yes~~/No AMBULANCE: ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: ~~Yes~~/No

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: Provided as necessary.

RATE 12.50 Hr.

EDUCATION BONUS: Yes/~~No~~ AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT ___

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	12.50	12.80	18.75	18.75
1 YEAR				
3 YEAR				
5 YEAR				
SUPER ENTRY (SGT)				
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: Wage increases subject to union negotiations. Staggered off days require work on most weekends and about half the holiday Average yearly salary 30,000 +

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SUPPLEMENT (E-11)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY City of MILWUAKEE Public Schools TYPE OF AGENCY Crossing Guard Part time

JOB DESCRIPTION: Direct and guide children and other traffic at designated school crossings when public and non-public schools are in session. Prepare reports. Train other guards. Perform related duties as required.

JOB QUALIFICATIONS: 18 Years. At least 5' tall. Sufficient physical ability to perform the duties of the job. I.E. No major physical limitations. Vison correctable to 20/30 Willingness to work out doors. Have telephone. Valid Wisconsin DL. Have car available.

PROP VALUE _____ POPULATION _____ EMPLOYEES 2000 WORK FORCE 2

ARMED: ~~Yes~~/No AMBULANCE: ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: ~~Yes~~/No

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: ~~Yes~~/No PAID INSURANCE: ~~Yes~~/No

TRAINING PROVIDED: 4 hour training course.

RATE 7.23 Hr.

EDUCATION BONUS: ~~Yes~~/No AMOUNT: _____ EDUCATION REIMBURSEMENT: ~~Yes~~/No AMOUNT ___

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	7.23	N/A	N/A	N/A
1 YEAR	7.62	N/A	N/A	N/A
3 YEAR				
5 YEAR				
SUPER ENTRY (SGT)				
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: All equipment is company furnished.

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Veterans Administration

SUPPLEMENT (E-12)

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY [illegible] POLICE DEPARTMENT TYPE OF AGENCY Police department

JOB DESCRIPTION: General police duties. Squad patrol and foot patrol.

JOB QUALIFICATIONS: 21 years of age. US Citizen, Wisconsin citizen, High School grad. or equivilent. Valid Driver's License, excellent health, and good moral character.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE 2100

ARMED: Yes/No AMBULANCE: Yes/No ARREST: Yes/No INVESTIGATIONS: Yes/No

PERMANENT SHIFT: Yes/No PAID VACATION: Yes/No PAID INSURANCE: Yes/No

TRAINING PROVIDED: 10 weeks at police school. 1 week per year In-service.

RATE 10.13 Hr.

EDUCATION BONUS: Yes/No per Year Credit AMOUNT: 360.00 EDUCATION REIMBURSEMENT: Yes/No AMOUNT 100%

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	10.13	none	Comp.	Comp.
1 YEAR	11.13	None	Comp.	Comp.
3 YEAR	12.44	None	Comp.	Comp.
5 YEAR	13.44	None	Comp.	Comp.
SUPER ENTRY (SGT)	14.00	None	Comp.	Comp.
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: 12 Holidays paid, 15 paid sick days per year accumulate to 1 year, Pension funded 1 part employee contribution, 6 parts employer contribution. Full retirement at age 52.

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SUPPLEMENT (E-13)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY MILWAUKEE SHERIFF DEPARTMENT TYPE OF AGENCY SHERIFF DEPARTMENT

JOB DESCRIPTION: Variety of law enforcement duties: Patrol highways, investigate complaints, arrest violators, serve papers, investigate traffic accidents, supervise prisoners, and testify in court.

JOB QUALIFICATIONS: High School grad. or equivilant. 21 Years old or older. Resident of Wisconsin for at least 1 year. Resident of Milwaukee County for at least 30 days. Valid Wisconsin D. L. Excellent health. Excellent moral character. 2 years prior police experience.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE _____

ARMED: Yes/No AMBULANCE: Yes/No ARREST: Yes/No INVESTIGATIONS: Yes/No

PERMANENT SHIFT: Yes/No PAID VACATION: Yes/No PAID INSURANCE: Yes/No

TRAINING PROVIDED: 16 week recruit training. Yearly In-service classes.

RATE Regular rate

EDUCATION BONUS: Yes/No AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/No AMOUNT 100%

WAGE SCALE 1983

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	9.84	_____	_____	COMP.
1 YEAR	10.50	_____	_____	COMP.
3 YEAR	11.00	_____	_____	COMP.
5 YEAR	11.00	_____	_____	COMP.
SUPER ENTRY (SGT)	11.35	_____	_____	COMP.
SUPER 2 (LIEUT)	12.06	_____	_____	COMP.
SUPER 3 (CAPT.) (CHIEF)	10.22	_____	_____	COMP.

TURNOVER RATE: _____ %

COMMENTS: Hosp. and Surg. Ins. paid for employee and family. Soc. Sec. paid. Separate retirement plan paid by County. 12 Sick days per year accumulative. 8.5 Holidays paid + 3 Pers. days paid.

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SUPPLEMENT (E-14)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY MILWAUKEE COUNTY MUSEUM TYPE OF AGENCY County Museum

JOB DESCRIPTION: Under general direction, patrol, maintain order and assist visitors at Milw. Public Museum. Explain and enforce Museum regs. Guard against fire, theft, damage, and illegal entry. Perform any other duties as assigned.

JOB QUALIFICATIONS: 18 Yrs. or older. Graduate from High School or G.E.D. preferred. Experience in security or law enforcement. Completion of some coursework in Police Sci. or Crim. Justice will substitute for experience. Ability to understand and follow oral directions. Ability to add, subtract, multiply, and divide. Ability to write report

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE _____

ARMED: ~~Yes~~/No AMBULANCE: ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: ~~Yes~~/No

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: Minimal

RATE 3.14

EDUCATION BONUS: ~~Yes~~/No AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT 1007

WAGE SCALE

LEVEL	BASE	NITE PM	NITE	WEEKEND	HOLIDAY
ENTRY	3.14	.35/.50			Comp.
1 YEAR					
3 YEAR	3.16	.35/.50			Comp.
5 YEAR					
SUPER ENTRY (SGT)					
SUPER 2 (LIEUT)					
SUPER 3 (CHIEF)	15.17				Comp.

Yearly raises thru 3rd Year. 3.5 Holidays, 3 Personal Holidays, 12 Sick Days (unlimited accumulation) Paid Life Ins., Paid Family Health Ins., Soc. Sec., and Non-contributary retirement fund paid by county.

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SUPPLEMENT (E-15)

Veterans Administration

Memorandum

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY NORTHRIDGE TYPE OF AGENCY Shopping Mall

JOB DESCRIPTION: FOOT and Vehicle patrol of mall and parking lot. Provide highly visible security and safety of customers and merchants on premises. Detain violators of rules and laws for local police.

JOB QUALIFICATIONS: 21 Years. High School Grad. or Equiv. B.S. degree or police Science courses preferred. Police experience is a plus. Good communication skills and good writing skills.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE 12 +

ARMED: ~~Yes~~/No AMBULANCE: ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: Yes/~~No~~

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: On going security training provided.

RATE Rate at time

EDUCATION BONUS: ~~Yes~~/No AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT 100% job related

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	6.05	.30	N/A	2.5 times
1 YEAR	7.00	5%	N/A	2.5 times
3 YEAR	7.90	5%	N/A	2.5 times
5 YEAR	8.90	5%	N/A	2.5 times
SUPER ENTRY (SGT)	7.70	5%	N/A	2.5 times
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: Pay increases annually at 6%. Company offers matching funds pension plan up to 7% of gross wage.

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SUPPLEMENT (E-16)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY ST. JOSEPH'S HOSPITAL TYPE OF AGENCY Hospital Security

JOB DESCRIPTION: Assures the safety, security and protects the assets of the hospital by surveying and detering of any unsafe acts or conditions.

JOB QUALIFICATIONS: 21 years. High School graduate or equiv. Some police science preferred. Police experience preferred. Good moral character. Trustworthy and ability to follow written and oral directions. Ability to deal with public effectively.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE _____

ARMED: ~~Yes~~/No AMBULANCE: ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: Yes/~~No~~

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: Trained as required.

RATE Rate at time.

EDUCATION BONUS: Yes/~~No~~ AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT 100% job related

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	6.64	PM=.40 NITE=.45	.70	Comp.
1 YEAR	7.31	" "	"	"
3 YEAR	7.99	" "	"	"
5 YEAR	9.00	" "	"	"
SUPER ENTRY (SGT)	7.61	NITE=..50 PM=..45	.80	"
SUPER 2 3 Yr. ~~XXXXX~~	9.19	" "	"	"
SUPER 3 5 Yr. ~~XXXXX~~	10.37	" "	"	"

TURNOVER RATE: _____ %

COMMENTS: Increases for first 3 Yrs. are granted unless work is substantially below norm. Addidtional increases are granted on merit basis.

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SUPPLEMENT (E-17)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY ST. LUKE'S HOSPITAL TYPE OF AGENCY Hospital security

JOB DESCRIPTION: Provide security to hospital and satellite clinics.

JOB QUALIFICATIONS: High School Diploma. 1 Year advanced education and 1 Year experience in security. Education may be substituted for experience and experience may be substituted for education on a 1 for 1 basis. Prefer 1 Year of public contact work. Valid D.L.

PROP VALUE _____ POPULATION 400 Daily EMPLOYEES 4000 WORK FORCE 26 and 5 Supervisors

ARMED: Yes/No AMBULANCE: Yes/No ARREST: Yes/No INVESTIGATIONS: Yes/No

PERMANENT SHIFT: Yes/No PAID VACATION: Yes/No PAID INSURANCE: Yes/No

TRAINING PROVIDED: None

RATE _____

EDUCATION BONUS: Yes/No AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/No AMOUNT up to 1,000 Ga

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	7.10			
1 YEAR				
3 YEAR				
5 YEAR				
SUPER ENTRY (SGT)	7.62			
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: 7.10 to 9.88 based on Merit.

7.62 to 10.54. Raises based on Merit.

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SUPPLEMENT (E-18)

Veterans Administration

Memorandum

~~Date~~:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY ST. MARY'S HOSPITAL TYPE OF AGENCY Hospital Security

JOB DESCRIPTION: Protect staff and property. Control access. Perform all ~~assigned~~ duties. Fire prevention.

JOB QUALIFICATIONS: High School graduate Prefer some police science or fire prevention courses. Requires a basic understanding of Security. Minimal Mechanical ability. I.E. Starting cars, etc. Be able to work with all levels of people. Will be trained in all areas required.

PROP VALUE _____ POPULATION 250 AVE Beds EMPLOYEES 1400 WORK FORCE 17

ARMED: ~~Yes~~/No AMBULANCE: ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: ~~Yes~~/No Supervisors (Yes)

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: Trained in use of equipment and procedures.

RATE 6.04 or higher

EDUCATION BONUS: ~~Yes~~/No AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT 500 Sem.

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	6.04	.50	.50	Comp./Double
1 YEAR				
3 YEAR				
5 YEAR				
SUPER ENTRY (SGT)				
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: Step raises from 6.04 Hr. to 8.13 Hr. based solely on merit. Some may start higher than 6.04 depending on qualificat

VA FORM 2105
MAY 1983
*U.S. GOVERNMENT PRINTING OFFICE 1983 381-488/2979

SUPPLEMENT (E-19)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY St. MICHAEL'S HOSPITAL TYPE OF AGENCY Hospital Security

JOB DESCRIPTION: Control entry and access. Assist in protection and safety of hospital Staff and equipment. Perform all assigned duties.

JOB QUALIFICATIONS: High School Graduate or GED Equivilency. Previous security work (3 Months). Ability to organize and schedule activities. Valid Wis. D.L. Good physical and mental condition. Good dexterity.

PROP VALUE _____ POPULATION _____ EMPLOYEES 1500 WORK FORCE 17

ARMED: ~~Yes~~/No AMBULANCE: ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: Yes/~~No~~

PERMANENT SHIFT: Yes/No PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~ partial

TRAINING PROVIDED: Approved Hospital Security Course (WATC)

RATE $6.61 Hr.

EDUCATION BONUS: ~~Yes~~/No AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT _____

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	6.61	.30	.53	Comp
1 YEAR	7.15			
3 YEAR + 6Mo.	8.53			
5 YEAR				
SUPER ENTRY (SGT)	7.06	.40	.53	Comp.
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: Gradual raises to 8.53 after 42 Months.

Gradual raises to 9.16 after 42 months.

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MAY 1983
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SUPPLEMENT (E-20)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY Milwaukee Public Schools TYPE OF AGENCY School safety aide

JOB DESCRIPTION: Observe and report violations of school rules and regulations. Investigate violations. Crowd control. Basic First Aid. Access control. Guide and direct students while on school property. Any related duties as assigned.

JOB QUALIFICATIONS: High School graduate or equiv. Prefer Associates Degree or 2 years Law enforcement or security work. Must be bondable. Milw. residence. Valid Wis DL.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE _____

ARMED: ~~Yes~~/No AMBULANCE: ~~Yes~~/No ARREST: ~~Yes~~/No INVESTIGATIONS: Yes/~~No~~

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: OJT as nedded

RATE Rate at time

EDUCATION BONUS: ~~Yes~~/No AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT 100% Work related

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	6.98	N/A	N/A	N/A
1 YEAR	7.56	"	"	"
3 YEAR	8.49	"	"	"
5 YEAR	9.54	"	"	"
SUPER ENTRY (SGT)				
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: 100% company paid health and Life ins. 12 Holidays and 12 Sick days per year (accum.) No weekends, Holidays, or shifts Private pension plan Employer Matches up to 5% of Base pay at rate of 2 for 1.

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MAY 1983
*U.S. GOVERNMENT PRINTING OFFICE 1983 381-468/2979

SUPPLEMENT (E-21)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY SOO LINE POLICE TYPE OF AGENCY Railroad Police

JOB DESCRIPTION: Patrol railroad property. Check doors, Check highvalue loads. Answer emergency calls. Some suveillances and other duties as assigned.

JOB QUALIFICATIONS: High School Graduate or equivilency. Prefer at least 1 year of previous security experience. Good moral character.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE _____

ARMED: Yes/No AMBULANCE: Yes/No ARREST: Yes/No INVESTIGATIONS: Yes/No

PERMANENT SHIFT: Yes/No PAID VACATION: Yes/No PAID INSURANCE: Yes/No

TRAINING PROVIDED: _____

_____ RATE _____

EDUCATION BONUS: Yes/No AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/No AMOUNT ___

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	11.34	_____	_____	COMP.
1 YEAR	_____	_____	_____	_____
3 YEAR	_____	_____	_____	_____
5 YEAR	_____	_____	_____	_____
SUPER ENTRY (SGT)	_____	_____	_____	_____
SUPER 2 (LIEUT)	_____	_____	_____	_____
SUPER 3 (CHIEF)	_____	_____	_____	_____

TURNOVER RATE: _____ %

COMMENTS: 12 paid holidays.

VA FORM 2105
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SUPPLEMENT (E-22)

Veterans Administration

Memorandum

Attn:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY TRINITY MEMORIAL HOSPITAL TYPE OF AGENCY Hospital Security

JOB DESCRIPTION: Foot patrol around hospital to deter crime. Protect hospital property and personnel. In charge of lost and found. Responsible for disaster plan, and safety programs. Assist staff as needed. Fire protection, Car registrations.

JOB QUALIFICATIONS: High School graduate or equivilency. Requires some previous security experience.

PROP VALUE _____ POPULATION _____ EMPLOYEES 850 WORK FORCE 5

ARMED: Yes/No AMBULANCE: Yes/No ARREST: Yes/No INVESTIGATIONS: Yes/No

PERMANENT SHIFT: Yes/No PAID VACATION: Yes/No PAID INSURANCE: Yes/No

TRAINING PROVIDED: New guards are given tour of hospital and instructed in their duties.

RATE Starting Rate

EDUCATION BONUS: Yes/No AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/No AMOUNT ___

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	6.00	50	.50	OFF
1 YEAR				
3 YEAR				
5 YEAR				
SUPER ENTRY (SGT)				
SUPER 2 (LIEUT)				
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: Salary based on merit and experience 6.00 to over 10.00 Hr. All holidays are worked by part time people who only work holidays.

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MAY 1983
*U.S. GOVERNMENT PRINTING OFFICE 1983 381-468/2979

Veterans Administration

SUPPLEMENT (E-23):

Memorandum

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY WAUKESHA COUNTY SHERIFF TYPE OF AGENCY Sheriff Department

JOB DESCRIPTION: Various assignments including jail inmates supervision and care, booking prisoners, vehicle patrol, investigate criminal and civil offenses occurring in county, and road traffic patrol and enforcement.

JOB QUALIFICATIONS: High school graduate or equiv. Some college preferred. Experienced officers excepted. Good moral char-cter, No felony convictions. Good driving record. Must pass physical agility test.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE 36

ARMED: Yes/XXX AMBULANCE: Yes/XXX ARREST: Yes/XXX INVESTIGATIONS: Yes/XXX

PERMANENT SHIFT: Yes/XXX PAID VACATION: Yes/XXX PAID INSURANCE: Yes/XXX

TRAINING PROVIDED: Training provided to obtain state certification. 40 Hrs In-service training per year. Specialized In-service if requested. RATE Rate at time

EDUCATION BONUS: XXXYes/No AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/XXX AMOUNT 100%

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	9.43			
1 YEAR	9.90			
3 YEAR	10.88			
5 YEAR	12.57			
SUPER ENTRY (SGT)	10.85			
SUPER 2 (XXXXXX TOP)	13.69			
SUPER 3 (CHIEF)				

TURNOVER RATE: _____ %

COMMENTS: County paid Health Ins. and life Ins.

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MAY 1981
*U.S. GOVERNMENT PRINTING OFFICE 1981 361-98/2919

SUPPLEMENT (E-24)

Veterans Administration

Memorandum

Date:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY WAUWATOSA POLICE DEPARTMENT TYPE OF AGENCY Police department

JOB DESCRIPTION: Responsible for enforcement of all laws, ordinances, and regulations. Includes foot patrol, squad patrol. Protection of life and property, prevention of crime, apprehension of criminals and prosecution. Enforce traffic laws and investigate accidents. perform related work as assigned.

JOB QUALIFICATIONS: 18 to 70 years. Height and weight in proportion, High school grad. or equiv., 20/40 vision, unrestricted Driver's license, excellent moral charactor.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE _____

ARMED: Yes/~~No~~ AMBULANCE: ~~Yes~~/No ARREST: Yes/~~No~~ INVESTIGATIONS: Yes/~~No~~

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: 19 week recruit train provided, 40 Hrs in-service provided yearly

RATE Rate at time

EDUCATION BONUS: Yes/~~No~~ AMOUNT: _____ EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT 100% Job related

WAGE SCALE

Current (1983)

LEVEL		BASE	NITE	WEEKEND	HOLIDAY
ENTRY	12.0%	10.22	_____	_____	Comp.
1 YEAR		_____	_____	_____	_____
3 YEAR	13%	11.78	_____	_____	Comp.
5 YEAR		_____	_____	_____	_____
SUPER ENTRY (SGT)		_____	_____	_____	_____
SUPER 2 (LIEUT)		_____	_____	_____	_____
SUPER 3 (CHIEF)		_____	_____	_____	_____

TURNOVER RATE: _____ %

COMMENTS: Paid Sick leave (accum) paid holidays, longevity pay, annual uniform allowance, City paid comprehensive hosp.& Surg& Dental care (family). 100% city paid retirement and disability pension. Paid life Ins. and limited life ins. paid for family members.

VA FORM 2105
MAY 1983
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SUPPLEMENT (E-25)

Veterans Administration

Memorandum

Date:

To:

From:

Subj: SECURITY WAGE AND QUALIFICATION SURVEY

AGENCY WEST ALLIS POLICE DEPARTMENT TYPE OF AGENCY Police Department

JOB DESCRIPTION: Perform many different services to the community, and will be required to make out many reports. Must be courteous to all. Ability to type would be a plus. Must be able to understand and carry out any and all instructions.(Oral & Written)

JOB QUALIFICATIONS: 19 Years or older, Height and weight in proportion, Wis. resident for at least 1 Year, US Citizen, become a West Allis resident within 18 months of appointment. High School graduate orequivilent, unrestricted Wis D.L., Good moral character. Felony conviction within last 5 years will disqualify.

PROP VALUE _____ POPULATION _____ EMPLOYEES _____ WORK FORCE _____

ARMED: Yes/~~No~~ AMBULANCE: Yes/~~No~~ ARREST: Yes/~~No~~ INVESTIGATIONS: Yes/~~No~~

PERMANENT SHIFT: Yes/~~No~~ PAID VACATION: Yes/~~No~~ PAID INSURANCE: Yes/~~No~~

TRAINING PROVIDED: 19 Week Recruit school, In-Service (40) Hours yearly.

RATE Rate at time of school

EDUCATION BONUS: Yes/~~No~~ AMOUNT: $125 per comp. year EDUCATION REIMBURSEMENT: Yes/~~No~~ AMOUNT 100%

WAGE SCALE

LEVEL	BASE	NITE	WEEKEND	HOLIDAY
ENTRY	11.29	N/A	N/A	Comp.
1 YEAR	12.01	N/A	N/A	Comp.
3 YEAR	13.75	_____	_____	Comp.
5 YEAR	13.75	_____	_____	Comp.
SUPER ENTRY (SGT)	_____	_____	_____	_____
SUPER 2 (LIEUT)	_____	_____	_____	_____
SUPER 3 (CHIEF)	_____	_____	_____	_____

TURNOVER RATE: _____ %

CONDITIONS: 11 Vac. days per Yr. after 1 year up to 28 Vac days after 23 Yrs. Extended sick lv program, Quarterly uniform allow. longevity pay, 100% paid Hosp. Ins., Paid Life Ins., City paid retirement and pension plan.

VA FORM 2105
MAY 1983
*U.S. GOVERNMENT PRINTING OFFICE 1983 381-460/2979

TESTIMONY OF

THE NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES

TO THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

OF THE

HOUSE COMMITTEE ON VETERANS' AFFAIRS

REGARDING

SECURITY AT VA MEDICAL CENTERS

MAY 19, 1988

Good morning Mr. Chairman, my name is Ed Murphy and I'm Legislative Director with the National Association of Government Employees, an affiliate of the Service Employees International tne fifth largest Union in the AFL-CIO. NAGE/SEIU represents Veterans Administration employees at approximately 30 medical facilities nationwide. Our union also represents more state, and local police officers then any other in the AFL-CIO. On behalf of our membership we thank you for this opportunity to present our views concerning the policies, practices, and direction of the security service.

There are approximately 2060 officers in 172 medical centers nationwide. These officers protect the lives of more than 1.2 million patients, and 240,00 hospital employees. They also protect more than 5000 buildings, and literally billions of dollars in medical equipment, and supplies. The VA police officer is responsible for enforcement of the criminal laws, and the protection of all personnel and property owned and controlled by the VA. While the VA officer has all of the usual duties associated with law enforcement, the job is in many ways more difficult and challenging because of the medical environment in which the VA officer works. These officers have contact with a very wide range of persons including mentally ill and drug addicted patients, stressed and grieving families, and disadvantaged youths. This environment demands that VA officers exercise traditional police functions with considerably more tact, judgement, and skill. Although in many ways a VA officers job is a more difficult job than much of law enforcement, VA officers receive considerably less training, supervision, and pay. It is thus not suprising to learn that there nave been questions about the role and performance of the police service in the VA.

As this committee is well aware a recent report by the Special Counsel of the Merit Systems Protection Board was critical of the training, supervision and in some cases professionalism of VA police. This committee has promptly responded to questions arising from this report and the incidents which gave rise to it with this oversight hearing. We welcome this examination of the VA police, and hope that needed changes will result from this focus.

In response to inquiries from this committee our office contacted our VA locals to learn of their problems and concerns. While we don't claim to have received exhaustive data, tne information we received indicated a workforce with serious morale problems arising from inadequate pay, benefits, limited promotion opportunities, unnecessarily burdensome scheduling, inadequate training and ambiguious professional responsibilities. It is our view that these problems need to be addressed comprehensively. This workforce needs to be provided with more incentives, training, and better supervision.

One major source of VA police low morale is pay. There is little incentive provided to officers to improve their performance and advance their careers within the VA. Far too many of the best, brightest and most committed employees are leaving the VA for higher paying jobs in city government. Police officers are classified in the GS-083 police series. Under this classification police officers may be hired as low as grade 2, and can advance only as high as GS-5. VA police

officers are hired no lower than grade 4 which currently starts at $13,513 per year. The majority of police officers in the VA are paid at grade 5 which starts at $15,118. After 18 years an officer will reach the top step of the grade and would receive $19,654. There are very few promotion opportunities for VA police officers. Grade 6 is reserved for detectives, but there are only 148 nationwide. The only other promotion opportunity is to Chief, and their pay ranges from grade 7 to grade 12.

These figures are not comparable to what is commonly paid police officers in the public sector. A 1987 survey published in the Municipal Yearbook indicates that in populations of 10,000 to 25,000, which is the lowest paid category for which statistics are available, the average annual entrance salary of police officers is $19,014. Officers in these communities reach the top of the patrolmen ladder generally within 5 years, when they receive $24,196. Officers in larger cities, of course, are paid at more generous levels.

Thus at employment the typical police officer in small town America makes an average of almost $4,000 more than a VA officer. The gap between the VA and other public sector officers continues to grow as the officer becomes more experienced so that after 5 years the "town" police officer makes $7,500 more than a VA police officer with the same amount of experience. Further a chief of police at the VA hired at grade 7 would currently earn less than the average small town police recruit fresh from the police academy. The average small town police officer with 5 years experience as a patrolman will also be paid more than that same VA police chief.

The benefits paid to VA police officers does not come close to matching those commonly provided police in the public sector who frequently have a full retirement following twenty years of service, and a full health benefit plan whereas VA police work to the full retirement age, and are in FEHBP.

This pay gap must be closed if the VA expects to be able to compete for the best and brightest in law enforcement. With the ability to receive a 25% higher pay rate in surrounding communities, the VA will increasingly find itself training employees, only to lose them to competing jurisdiction. In addition to pay increases the VA must improve its promotion and career growth opportunities for officers. As it currently stands VA police will be hired at grade 5, and can look forward only to step and cost of living increases providing little opportunity or growth to the ambitious. This situation must also be addressed.

In addition to being underpaid staffing patterns and shift rotation increase the dangers on the job, removes opportunities for outside income and training and increases problem associated with providing day care services to children. Understaffing is a problem at many hospitals. Locals voiced concerns about officers performing their duties alone without any other officer available for back up. At the Butler VA for instance officers are assigned alone on the night shift to patrol Butler's 88 acres, 41 building, and 450 employees. This lack of a back up presents obvious dangers to the police officer. In fact the job can be physically demanding and dangerous. Our police locals revealed to us a multitude of

anecdotal evidence where VA police officers subdued armed patients or former patients who were posing an immediate danger to the lives of those in the facility. Our 16 person police local at the Coatesville, PA, Medical Center revealed to us that they have disarmed 15 armed individuals in the last 36 months. The same local reveals to us that there have been 42 assults on officers in the last 36 months.

In addition to understaffing VA police are required to rotate their duty shift watch period every 2 to 4 months. The purpose of this rotation is to insure equitable distribution of workload intensity experience and uniform application of the performance standards. There are few exceptions to this requirement for shift rotation. Shift rotation limits an officers opportunity for outside part time employment, exacerbates problems in providing for child care, and results in greater day to day stress as officers have to continuously adjust to broad changes in their scheduling. It seems unfair to pay entry level VA police only slightly above the poverty level, and then limit their opportunity for outside income, educational advancement, and child care arrangements. We believe this regulation mandating shift rotation should be eliminated.

All of our locals contacted voiced concerns about the training provided to police officers. Although in many respects the VA police officer has more difficult duties than most in law enforcement they receive substantially less training. VA police officers receive only about 64 hours of training. It is our experience that state and local officers will receive a minimum of 6 to 8 weeks of training. In fact most federal law enforcement officials receive 6 to 8 weeks of training at the federal facility in Georgia. Many of our locals voiced concerns about the quality of supervision they received. We are hence not suprised by the criticisms advanced by the Special Counsel in this respect. Police officers were also troubled by the VA organizational heirachy wherein non law enforcement professional were enpowered to make crucial law enforcement decisions like whether to refer matters for criminal prosecutions. This has created a dangerous ambiguity among some police officers about their duties, and authority, and a perceived disrespect for the officers authority.

The VA police is one of the last law enforcement groups in the nation mandated to wear white shirts. The vast majority of other departments have gone to blue or earth toned shirts recognizing that white shirts make a police officer a more vunerable target. We recommend this as a simple safety measure for VA police.

The clothing allowance received by VA police is wholly inadequate. The officer receives approximately $200.00 a year. Our members advise us that with pants costing $50.00 a pair, police shirts $25.00 and up, black dress shoes $35.00 and up and very expensive winter clothes the cost of keeping a good uniform appearance ranges from $500 - $600 a year. Now because of low pay, and inadequate clothing allowances officers are forced to purchase a lesser quality, non regulation item. Our members suggest that a properly uninformed force would command more respect, and would aid in the exercise of "informal" law enforcement.

As we discussed earlier in this testimony substantial numbers of our officer have been the subject of an armed assualt. Our police members believe that some VA officers should be carrying firearms. Our officers recognize that carrying firearms is inappropriate in many parts of the facility but, believe that their safety and that of the hospital would be ennanced if some officers carried firearms. At Coatesville VA Center and other locations unarmed police officers are used to transport money from the credit union canteen, and patient accounts to the local bank. Several years ago some of these officers were kidnapped and robbed of over $5,000. Clearly this is one circumstance where police should be carrying firearms.

Mr. Chairman, clearly the VA police are a crucial part of the workforce which is in need of substancial change including more competitive pay and benefits, and improved training and supervision. We look forward to working with the committee to achieve these objectives. We again thank you for this opportunity to appear and testify and will attempt to answer any questions.

STATEMENT OF

DANIEL H. WINSHIP, M.D.

ASSOCIATE DEPUTY CHIEF MEDICAL DIRECTOR

DEPARTMENT OF MEDICINE AND SURGERY

VETERANS ADMINISTRATION

BEFORE THE SUBCOMMITTEE ON OVERSIGHT

AND INVESTIGATIONS

COMMITTEE ON VETERANS' AFFAIRS

HOUSE OF REPRESENTATIVES

MAY 19, 1988

Mr. Chairman and Members of the Subcommittee:

I am pleased to be here today to discuss the Department of Medicine and Surgery Security and Law Enforcement program.

Public Law 93-43 (June 18, 1973) first charged the Administrator with the responsibility for the protection of persons and property on land and in buildings under the jurisdiction of the Veterans Administration and empowered the Administrator to both prescribe regulations for the maintenance of law and order and to appoint "special police" officers to carry out the enforcement function. In August of 1973, the Department of Medicine and Surgery began the implementation of this statutory authority by the gradual replacement of guards by police officers with the higher qualification standards required for employment in that Federal occupation. Hearings were held by the House Subcommittee on Hospitals and Health Care in July 1981, September 1982, and in March 1984 due to interest in the following areas:

- The VA firearm policy,
- Recruitment and retention problems,
- Grades and compensation of VA police, and
- Adequacy of VA police screening measures.

By late 1984, needed major amendments to the Administrator's statutory law enforcement authority were defined by the enactment of Public Law 98-528 (October 19, 1984). These included increased penalties for violations of rules of conduct, the inclusion of training for VA police during situations

involving patients, a threefold increase in the uniform allowance paid to police officers, and the inclusion of the VA police officer occupation under the Administrator's Title 38 special pay rate approval authority. This legislation also required that the Veterans Administration consult closely with the Attorney General before prescribing policies with respect to the exercise of its statutory law enforcement authority. At the conclusion of the Subcommittee on Hospitals and Health Care hearing on March 7, 1984, The Honorable Bob Edgar, then Chairman of the Subcommittee, commended Security Service for functioning solely with non-lethal weapons and for an eleven year demonstration that the task of policing our health care facilities can be accomplished without resort to firearms. Our reports show that in the past fifteen years, VA police used the non-lethal chemical mace weapon 1,210 times without medical or legal aftereffects. We believe there would have been potential for numerous shootings if our police had been equipped with firearms in these encounters.

The mission of every security unit is to provide a level of full time self-protection to the Federal health care facility which should not be expected from a surrounding municipal, city or state jurisdiction. The mission includes the enforcement of Federal laws and standards of conduct, the physical protection of lives and property, and the provision of close support to the patient care staff during emergency situations. This is a specialized mission which was intended by the Congress to complement the veterans health care mission. VA police are required to maintain a log of all unusual observations and actions taken during their tour of duty. These logs are reviewed by Chief of Security with hospital management every working day. In injury cases a separate report of the incidents must be prepared by involved medical center staff. Pursuant to the specific responsibility and authority granted to the Administrator in Title 38 Section 218, the law enforcement jurisdiction of VA police officers is limited to property which is under the charge and control of the Veterans Administration. Due to the explicit jurisdictional limits and purposes of their law enforcement authority and the need that their role fully support health care facility operations, VA police officers fall into the occupational category of "Special Police" versus the traditional police category.

The Office of Special Counsel has made observations based on its investigations into alleged prohibited personnel practices at three of our medical centers over a seven year time span. In two of these three lengthy investigations, the alleged violations were not upheld. In the other case there were violations found which were corrected.

We have also reviewed and taken corrective action to address problems identified by the Office of Inspector General in two recent audits of our medical centers in New Orleans and Oklahoma City.

The OIG audits confirmed that there were instances where our policy was not being followed concerning reviews of pre-employment arrest records and verification of qualifications. As a result, aggressive corrective actions have been initiated. Directions have been issued to all field facilities to re-initiate National Agency Checks on all VA police officers. Procedures and required records are being implemented to assure that local and national pre-employment suitability checks are properly accomplished. Central Security Service monitoring of pre-employment screenings will be included in this plan.

I will briefly discuss each of the issues identified in your letter of invitation to the hearing.

Organization

Each DM&S facility has a security unit within its organizational structure. Small units at facilities in relatively problem-free areas are comprised as sections assigned to the Office of the Facility Director. At facilities in areas with greater security and law enforcement activity, the security unit is a service level organizational element.

Currently, there are 1,984 VA police employed by our field facilities in security units ranging in size from seven to forty-five employees. The Department's program management level staff consists of a Service Director and a Program Assistant aided by a centralized field staff of four Regional Security Officers, three VA Police School instructors, and two program clerks. All Regional Security Officers and VA Police School instructors are law enforcement officers who are used to assist field facilities experiencing ongoing criminal problems such as illegal drug activity and police misconduct.

Qualifications of VA Police Officers

To assure that authority to exercise police powers of arrest and search is delegated only to qualified employees, the OPM (Office of Personnel Management) Qualification Standards for police officers must be followed in hiring VA police officers. This standard for the minimum position at the GS-4 grade level requires two years of experience which must give the candidate a broad knowledge of police operations, practices and techniques. The experience must include making arrests, protecting life and property, maintaining law and order, investigating accidents, preventing crime and preserving the peace. To supplement the OPM standards, VA personnel policy further requires that creditable experience with arrest authority is limited to employment by a governmental body which directly employed the applicant to enforce the laws of its jurisdiction. The OPM Qualification Standards for police officers allows the substitution of two years of successfully completed police related study in a resident school above high school for the GS-4 level experience requirement and the substitution of a full four year course of study required for a B.S. degree in Police Science for the three year GS-5 level experience requirement.

Compensation

VA police officers are Title 5 General Schedule employees. Their compensation is fully commensurate with pay provisions prescribed by that statute. We are bound to compliance with Federal personnel regulations and standards governing grade classification and compensation. In addition, VA police officers are paid a four hundred dollar entry uniform allowance and an annual allowance of two hundred dollars for the replacement of worn uniform articles. Thirty-one VA medical centers now have special pay rates in effect under the provision of Title 38, Section 4107(g). Special pay rates are authorized when VA medical centers are experiencing significant recruitment and retention problems which are attributable to compensation of special police employed by non-VA institutions such as private hospital centers and universities.

Selection

Each VA medical center has authority to hire its own VA police officers. Prior to employment of a qualified applicant, each facility is required to conduct an arrest record inquiry and to contact listed former employers for a determination of any adverse performance or suitability information. Following employment, a request is submitted to the OPM Federal Investigations Processing Center by the employing facility for a National Agency Check as an "Expedite" case. Prior to employment, a police officer applicant is fully informed of the special nature of police work in a medical facility and of the fact that he or she will not be authorized to bear a firearm. Immediately following employment, each new hire is required to read and sign a statement acknowledging the limited jurisdiction of the VA police position and the firearm restriction. Police officers are not hired without prior notification of these special job conditions.

Training

Our policy requires that during the first week of employment, a new police hire undergoes training in which he or she must be exposed to the effects of the Department's standard mace projector weapon and is made to expose another to its effects and to perform victim recovery procedures. A document certifying the completion of this training, signed by both the trainer and trainee, is submitted to the office of the Department's Security Service Director for issuance of a mace weapon permit. During the first week of employment, the name of the new police hire is teletyped to the VA Police School located at the North Little Rock Division of the VA Medical Center in Little Rock, Arkansas, for course scheduling purposes. Approximately three months following employment, the police officer is detailed to attend the two week VA Police Course. This course concentrates on basic police knowledge and skills relating to the VA's operating needs. In the interim, all facilities are expected to provide newly hired police officers with entry level in-service training concurrent with other on-the-job orientation practices.

Responsibilities

We have identified thirty-four tasks for which VA police officers are responsible. These tasks are about 95% involved in preventing crime and assisting those in need and providing emergency services; and, about 5% involved in direct law enforcement actions. The basic duties of VA police officers at all medical centers are to:

- Reduce opportunities for crime and misconduct through alert daily patrols and visibility to the public.

- Conduct aggressive protective patrols from sunset to sunrise for the security of patients, staff, and property.

- Assist those who cannot care for themselves due to health or condition.

- Extend information, direction and courtesy to arrivals.

- Seek voluntary compliance by visitors, employees and patients with VA regulations and Federal laws.

- Facilitate the movement of vehicles and people.

- Provide emergency service and support to center operating elements.

- Identify criminal activity and, where appropriate, apprehend violators.

- Identify and report hazardous situations and correct immediate dangers.

- Take life saving action in all emergency and disaster situations.

- Cite or arrest violators of regulations and laws when necessary.

Supervision

VA Security Units are responsible to facility management for the enforcement of standards of conduct and other rules and policies prescribed for the orderly conduct of operations. Normally either the Associate Director or an Assistant Director exercises broad supervision over the Chief of the Security Unit. The Chief exercises supervisory control over VA police officers directly or, where authorized, through intermediate watch supervisors. VA police officers, by virtue of the OPM grade classification criteria for police at the GS-5 level, are responsible to "use their own judgement continuously" and to "operate under general supervision with a great deal of freedom to take independent action." The OPM grade classification criteria for police at the GS-5 level further specifies, with regard to police officer supervision, that at the GS-5 grade level "matters of serious consequence are discussed with the supervisor, if time permits. Actions taken are fully reported in writing and are reviewed by supervisory police officials."

Evaluation

The performance of VA police officers is evaluated through the use of job specific performance standards. These standards provide a basis for measuring each police officer's actual achievements of significant job requirements relative to those of other police in the same unit. The VA's Performance Management System and annual performance appraisal procedures conform with statutory requirements.

In conclusion, I believe that VA regulations governing security, law enforcement and standards of conduct on Veterans Administration property and the DM&S policies, practices and procedures implemented for law enforcement in our health care facilities are sound and effective. These regulations and policies as well as our VA police training curriculum have been coordinated with the Attorney General's Office and they adhere fully to the intent and provisions of Title 38, Section 218. Since 1981, our annual turnover rate has dropped from 35% to 22.7%. Trainee critiques of our extended training course have been very favorable. In Fiscal Year 1987, our police responded to 4,564 assaults and 48,757 disturbances. They issued 226,894 traffic warnings and

citations, made over 58,800 stops of suspicious persons, and performed 6,642 arrest actions. We have previously described deficiencies in the implementation of our pre-employment suitability and qualifications verification policy and have initiated corrective steps.

Mr. Chairman, this completes my overview of the DM&S Security and Law Enforcement program. We will be pleased to respond to any questions that you or the Subcommittee may have.

STATEMENT OF
CURTIS J. SMITH
ASSOCIATE DIRECTOR FOR CAREER ENTRY
OFFICE OF PERSONNEL MANAGEMENT

before a hearing of the

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON VETERANS' AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

on the

VETERANS ADMINISTRATION SECURITY SERVICE

MAY 19, 1988

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

THANK YOU FOR INVITING THE OFFICE OF PERSONNEL MANAGEMENT TO APPEAR THIS MORNING TO DISCUSS PERSONNEL MATTERS RELATING TO THE VETERANS ADMINISTRATION SECURITY SERVICE.

POLICE OFFICERS OF THE VETERANS ADMINISTRATION ARE GENERALLY COVERED UNDER THE SAME PERSONNEL SYSTEM THAT APPLIES THROUGHOUT THE REST OF THE GOVERNMENT, RATHER THAN UNDER THE SPECIAL TITLE 38 PERSONNEL SYSTEM FOR VA MEDICAL PERSONNEL. THESE POLICE OFFICERS ARE IN THE COMPETITIVE SERVICE, AND ARE ACCORDINGLY SELECTED BY VA FROM CERTIFICATES OF ELIGIBLE CANDIDATES FURNISHED BY OPM, TAKING INTO ACCOUNT THE EDUCATION AND EXPERIENCE OF THE APPLICANTS AND, OF COURSE, VETERANS PREFERENCE.

VA HAS DESIGNATED THESE POLICE OFFICER POSITIONS AS NONSENSITIVE, SO VA ASKS OPM TO PERFORM ONLY WHAT WE CALL A "NATIONAL AGENCY CHECK AND INQUIRIES," CONSISTING OF A WRITTEN CHECK OF LAW ENFORCEMENT AND RELATED RECORDS ON EACH INDIVIDUAL WHO IS HIRED. WE REPORT ANY INFORMATION FOUND TO VA AND VA MAKES A DECISION ON WHETHER THE INDIVIDUAL IS SUITABLE FOR EMPLOYMENT. (IF VERY SERIOUS INFORMATION IS FOUND, WE HAVE THE AUTHORITY TO DETERMINE AN EMPLOYEE UNSUITABLE IN HIS FIRST YEAR OF EMPLOYMENT.)

SINCE THESE POLICE OFFICERS ARE UNDER THE GENERAL SCHEDULE CLASSIFICATION AND PAY SYSTEM, THEY ARE SUBJECT TO QUALIFICATION AND CLASSIFICATION STANDARDS ISSUED BY OPM. THIS SPRING, WE HAVE ISSUED NEW STANDARDS FOR POLICE OFFICERS, INCLUDING VA POLICE OFFICERS. GENERALLY SPEAKING, THE EXPERIENCE AND EDUCATION REQUIREMENTS HAVE BEEN REVISED IN THE NEW QUALIFICATION STANDARDS TO BROADEN THE POOL OF APPLICANTS FOR THESE POSITIONS. THE EFFECT OF THE NEW CLASSIFICATION STANDARDS WILL VARY FROM AGENCY TO AGENCY, BUT ONE RESULT WILL BE THAT SOME GS-5 POLICE OFFICERS WITH CERTAIN TYPES OF SPECIALIZED TRAINING WILL BE UPGRADED TO GS-6. THIS MAY OR MAY NOT OCCUR IN VA.

WHILE VA'S POLICE OFFICERS ARE UNDER OUR GOVERNMENTWIDE GENERAL SCHEDULE PAY SYSTEM, ONE UNUSUAL FEATURE OF THEIR PERSONNEL SYSTEM IS THAT, UNDER A LAW PASSED FOUR YEARS AGO, VA HAS THE AUTHORITY TO SET SPECIAL, HIGHER PAY RATES FOR THESE EMPLOYEES, SUBJECT TO OPM REVIEW AND A NEVER-YET-EXERCISED OPM VETO AUTHORITY. VA HAS SUCH SPECIAL RATES IN EFFECT FOR POLICE OFFICERS IN 31 LOCATIONS AROUND THE COUNTRY NOW, COVERING ABOUT ONE-QUARTER OF VA'S SOME 2,000 POLICE OFFICERS.

THANK YOU FOR LETTING ME PRESENT THIS BRIEF OVERVIEW. I WOULD BE PLEASED TO ANSWER ANY QUESTION THE SUBCOMMITTEE MAY HAVE.

Statement of

The American Legion

1608 K STREET, N. W.
WASHINGTON, D. C. 20006

by

SAMUEL J. WALSH, ASSISTANT DIRECTOR
NATIONAL LEGISLATIVE COMMISSION
THE AMERICAN LEGION

and

RODNEY S. KIRK, ASSISTANT DIRECTOR
NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION
THE AMERICAN LEGION

before the

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON VETERANS AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

on

VA SECURITY SERVICE

MAY 19, 1988

STATEMENT OF RODNEY S. KIRK, ASSISTANT DIRECTOR
NATIONAL VETERANS AFFAIRS AND REHABILITATION COMMISSION
THE AMERICAN LEGION
BEFORE THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON VETERANS AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
MAY 19, 1988

Mr. Chairman and Members of the Subcommittee:

The American Legion appreciates this opportunity to present its views on the Security Program of the Veterans Administration's Department of Medicine and Surgery.

For several years, The American Legion has been interested in the problems that continue to plague VA Security Service in the form of excessive turnover rates of personnel, ongoing recruitment and retention problems, and a host of other serious shortcomings that demand immediate attention.

Our expectation is that VA medical centers will provide a reasonably safe environment for the provision of medical care to veterans. It is the opinion of The American Legion that a number of VA facilities are not presently accomplishing this goal, and in the remainder, security is oftentimes deficient.

It is the conviction of The American Legion that with respect to VA medical centers and clinics, the agency is totally responsible for the safety and security of patients and staff; protection of Government property, the property of patients and staff that is reasonably on the VA station; and the orderly conduct of affairs at VA installations. These responsibilities are not now being met by the Security Service of VA in all instances. As evidence of the verity of this statement, one need only review the Annual Summaries of the DM&S Uniform Monthly Crime Report and other statistics regarding property loss. For instance, during FY 1985 and 1986, there was a 15.7 million dollar property loss across the system, according to VA statistics.

The maintenance of a safe and secure environment is adjunct to the provision of quality health care to veterans. It is equally important that the employees at VA medical centers be able to carry out their important duties and responsibilities without the apprehension of worrying about their own safety and the safety of the patients to whom they are providing care and services.

It is for these reasons that The American Legion closely monitors the effectiveness of VA's security and law enforcement program during site visits to the medical care facilities by our Field Representatives. We also solicit and receive reports from Legion Hospital Representatives and Department Service Officers on the status of the security program at the medical centers at which they serve on a full or part-time basis, particularly if we are aware there may be a problem brewing at a facility.

Although the issue of inadequate salaries still remains a valid problem, various corrective actions have been implemented to somewhat alleviate this concern. Most notably is the fact that special salary rate increases may now be authorized by the Administrator of Veterans Affairs, requiring only a "review" by Office of Personnel Management. We are told that this has considerably shortened the turnaround times for these requests. Officials in VACO inform us that from the day the medical center submits a request, until the day the response is forwarded to the Region, less than 90 days will have transpired. Although we have no way to confirm or dispute these turnaround times, we would suspect that 90 days is probably a best case scenario. We note for the record that as of April 1, 1988, 31 VA medical centers were authorized special salary rates of pay for VA Police Officers under Sections 218(b)(4) and 4107(g) of title 38.

One other situation concerning these Special Salary Rates of Pay must also be mentioned. Oftentimes, an individual facility will receive authorization for higher rates, but the facility, and/or the Region, will not have the resources available to adequately fund these requests. Four VAMCs currently have approved applications pending, because DM&S lacks adequate resources to implement these increases. There must be a mechanism in place that would provide the necessary funding to implement the rate increases that receive authorization from VA Central Office.

However, the matter of insufficient salaries is not the sole reason VA Security Service experienced a 23.6% turnover rate during calendar year 1987. A case in support of this statement pertains to the VAMC located in Northport, NY. This facility currently provides the highest entry level pay for security officers ($19,800 per annum), yet it still experienced a high turnover rate during 1987, when the service lost 17 officers.

Money does remain a valid issue to the individual officers in the field, especially when VA Security Officers see other VA employees with fewer responsibilities, and certainly less dangerous occupations, making much more than they are, possibly for just pushing a broom. These officers rightfully feel that the pay scale for VA Security Officers is not in balance with the responsibilities and dangers of their mission, and we tend to agree. The Legion also shares these officer's concerns pertaining to the lack of upward mobility within the service. Both these issues contribute to the turnover rate as officers transfer to other jobs within the same facility.

Another prevalent problem is the shortage of security personnel throughout the system. Aside from the substantial number of vacancies that exist, a majority of the

medical centers that meet their assigned ceilings have expressed a need for additional security personnel. Insufficient staffing greatly contributes to high turnover rates, as morale deteriorates.

The issue of recruiting qualified security officers has been a concern of The American Legion over the past several years. One of our Field Representatives encountered a situation wherein the Chief of Security at a given station admitted to hiring "less than desirables" simply because the vacancies caused extreme hardship to the static force because they remained unfilled for such a long period. We might add that specifics were never provided, but, apparently this situation is not uncommon across the system. Hiring practices must be strengthened at the field level, with more direction and guidance coming from VA Central Office.

The American Legion has been informed that background checks, or arrest record checks as they are commonly referred to, are the responsibility of the field stations. In practice, if individual stations encounter any difficulty in this regard, we are told that they need only contact VACO for assistance. In reality, we would have to question the level of support Security Service in VACO is able to provide on a daily basis, based upon the inadequate number of staff currently assigned to the service.

Mr. Chairman, it is the opinion of The American Legion that the DM&S Security and Law Enforcement Program Management staff in VACO is woefully inadequate, and therefore, unable to maintain proper oversight of the issues involving Security Service across the system. Currently, the service consists of the Director and one Program Assistant. These two individuals are responsible for managing this extensive program across the nation, consisting of almost 2000 police officers.

We would suggest that one possible solution to insuring complete and accurate arrest record checks would be to investigate the possibility of performing all these background checks in VA Central Office, utilizing the Justice Department computer link that is already in place in the Director's office. Reportedly, the extensive capability of this computer link far exceeds the ability of most field stations to perform acceptable arrest record checks both at the State level, and at the Federal level. Additional VACO support staff would be required to accomplish this function.

Another possible approach would be to allow individual VA Security Chiefs to establish contacts with their local FBI office, when available, to have these arrest record checks accomplished. As we understand the current situation, field stations could be provided this authority simply upon concurrence from the Administrator of Veterans

performance at the VAMCs. Resource limitations, i.e., classroom size and staffing, are significant factors influencing what can and cannot be done.

"It should also be noted that the mission of the school and the needs of the students at times conflict. Baseline experience is expected of new officers, but they do not always have the prerequisite experience. Thus, individuals may need basic police skills, but this is not the function of the Training School. This involves issues regarding the qualifications standards and the recruitment practices of individual VAMCs. As reported, the intent of the standards is for the VA to hire seasoned, experienced police officers. In practice, this does not happen.

"As of May 1988, the program will have one less individual as the dual roles of the Director of the Training School and Regional Security Officer are separated. Given the current demand for services and the various roles of the instructors, it would seem important to at least maintain the existing strength of the staff by providing another instructor since the new Director has been hired from within existing resources.

"The physical plant leaves much to be desired. The classroom facilities and living quarters warrant modernization and renovation. The Director of VAMC Little Rock has recently toured the Training School. Classroom alternatives and housing improvements are being examined and planned. Certainly, this program should reflect a better image of the VA Police to newly recruited police officers."

RECOMMENDATIONS

"Background data and assessment on the following recommendations can be found in the Observations and Conclusions sections of this report. The American Legion presents the following recommendations to VA Central Office for the purpose of addressing and correcting problems observed during the course of the survey.

1. At least, maintain the current program staffing level by

filling the pending vacant instructor position.

2. Provide modernization and renovation of the classroom and housing facilities.

3. Examine the necessity to establish quality assurance standards to monitor program effectiveness and provide the necessary resources to implement this procedure.

The Director of the Training School and the Director of the VAMC were advised of the above recommendations."

In conclusion Mr. Chairman, as we have stated in the past, VA police officers are no longer just "door shakers" and escort personnel as many obviously still perceive them to be. At VA installations there are literally a myriad of incidences of personal assaults, involving bodily injury or rape, theft of government and personal property, importation of contraband, and weapons possession. While it is perceived that most Directors realize the importance of maintaining a full staff complement within their security service, many, because of limited resources, are oftentimes faced with the dilemma of either hiring a health care professional or a security officer.

Each VAMC Director views and supports Security Service differently, and consequently the need for more centralized control of VA Police becomes evident. Therefore, it would seem logical that the possibility of establishing direct line control, utilizing the Regional Security Officers already in place, should be explored. This possibility could be similar to the current organizational structure of the Veterans Canteen Service.

Until starting salaries are improved, The American Legion does not see any permanent solution to the VA Security Service's inability to compete for highly qualified candidates, thereby improving its current recruitment and retention rate. Many of today's candidates are older, sometimes retired former officers. Many have supplemental incomes such as pension, therefore enabling them to work for the VA at the GS 4 and 5 salaries offered.

Other benefits that will act as recruitment tools should also be investigated. For example, VA might explore the possibility of including VA police within the Federal Employees Retirement System (FERS), as was implemented for VA firefighters and other Federal law enforcement agencies. The American Legion is aware that some drawbacks may be associated with such action, but we feel this situation should be examined by VA officials to determine if its benefits outweigh the drawbacks.

It is obvious that in order to sustain an effective, stable and professional VA security program, some distinct changes will have to be made to improve the organizational structure. A more vigilant and systematic approach must be implemented regarding arrest record checks across the system. This approach must be organized, consistent, complete, and available instantaneously to any field station requiring this service.

We are aware that VA is currently reaffirming arrest record checks for every police officer in the VA system. We trust that this action will improve hiring practices in the future by establishing more precise procedures and quality assurance standards to be followed by field stations.

We would again add in closing, that VA police have never received the recognition or compensation they rightfully deserve. It is rare to read the section on "VA Heroes" in the VA's publication entitled Vanguard, without noting some heroic feat accomplished by a VA police officer somewhere in the system. Within the force of almost 2000 officers, there naturally will be some who are less than desirable, but the remainder deserve recognition for the tasks they accomplish on a daily basis.

As one police officer recently told an American Legion representative: "There is something wrong somewhere when a Federal officer guarding Pandas at the National Zoo easily obtains a GS 7 level, and we have to fight tooth and nail for a GS 5 level." We have to agree with that statement.

Mr. Chairman, that concludes our statement. We will be happy to answer any questions you or other members of the Subcommittee may have at this time.

STATEMENT OF

DENNIS M. CULLINAN, ASSISTANT DIRECTOR
NATIONAL LEGISLATIVE SERVICE
VETERANS OF FOREIGN WARS OF THE UNITED STATES

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES HOUSE OF REPRESENTATIVES

WITH RESPECT TO

SECURITY AT VA MEDICAL CENTERS

WASHINGTON, D.C. MAY 19, 1988

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the honor of appearing before this distinguished Subcommittee to present the views of the Veterans of Foreign Wars of the United States with respect to the Security Service at Veterans Administration Medical Centers (VAMCs). The VFW is appreciative of the Chairman for holding this hearing, demonstrating his and the Subcommittee's continuing concern for our nation's veterans.

Mr. Chairman, the VFW is privileged to have on its staff a number of highly trained and competent Field Representatives whose primary responsibility is to survey and file reports on the effectiveness of the Veterans Administration's 172 medical centers. In conducting surveys our Field Representatives interview various VA hospital professionals, support staff and patients resulting in a comprehensive evaluation of the entire facility, including security. The opinions expressed in this statement are the result of their knowledge in this area and their continuing commitment in meeting their professional goals.

It is very difficult to make a single, general statement which accurately describes security in all VA medical centers. Location, size, patient and employee population are all variables which demand that such an analysis be made on a case-by-case basis. Certainly it should be no surprise that a multi-structure facility would have more security problems than a single-structure facility, and that VA medical centers located in what might be considered "high crime" areas would demand more security than those located in more tranquil rural settings. Even so, if one were forced to make a general statement on security at VA medical centers, it would have to be that there is considerable room for improvement and, in some cases, dramatic improvement.

The first thing that should be pointed out is that although VA police officers' primary concern is the provision of security in the most commonly understood sense, their job also embraces public relations both within and without the VA and the enhancement of VA employee morale. Day in and day out these individuals must deal with the general public, as well as with VA staff and patients. Their general appearance, demeanor and the level of professionalism with which they carry out their duties very much influence the way in which VA medical centers are perceived by the outside world. The relative professionalism and competence demonstrated by VA police officers in part indicate to the public the level and quality of care being provided to veterans by the VA health care system.

Similarly, the performance of VA police officers is very much a factor in the morale of VAMC staff and patients. Along with the obvious benefits of providing a secure environment within the medical center, they must also provide for safety in the surrounding area. For example, they provide for

external security by escorting nurses and other staff to their cars in high risk areas and ensuring that staff, patient and vistor parking areas are kept free of vandalism and theft. Additionally, VA security is also tasked with essential responsibilities in the event of fire or other emergencies. In certain urban areas security provided by VA officers will actually determine whether a VAMC will be able to attract and then retain essential health care personnel. This is especially true of nurses and other female health care providers in high crime areas. The bottom line for both men and women is that if they do not feel safe within their work environment and have the option of going elsewhere, they will most certainly do so. Thus, VA police officers play a critical role in the overall VA health care employment arena. VA security is an essential element of the VA health care system.

Our assessment of the VA security program based on information gathered by our Field Representatives, as well as from other sources, is unfortunately quite negative. To put it bluntly, morale is extremely low. One reason for this is that there seems to be little direct interaction between VACO and the various VAMC security forces. The Director of the VA Security Service should get out into the field in order to see for himself exactly what is going on. This would also demonstrate to the officers who work in the field their director's direct concern and involvement with their problems. We believe that the Director of VA Security must become more actively involved with the operation of the various security offices throughout the VA.

Insufficient training of VA security officers is another problem that exists system wide. Even though the VA is currently attempting to expand its training facilities, officers do not receive sufficient training to properly equip them for their task. Needless to say, expectations for high work performance are unwarranted when the employee has not been properly instructed in the procedures relevant to the position. The meager two weeks of training currently provided to new VA police officers is completely inadequate.

Of course, not all medical centers are experiencing the same degree of security problems, but certain problems seem to run throughout the VA. A high turnover rate in security officers plagues the system. Many employees, it appears, only accept VA security positions as temporary employment or as a stepping-stone to better jobs on local or state police forces. Certain areas are actually facing a turnover rate of 200 percent. We believe a primary factor associated with this problem is the very low entry level salary offered by the VA. At present, security officers can expect a starting salary of about $13,500 per year. This is far below the starting salaries offered by other law enforcement agencies and clearly prevents the VA security force from attracting and retaining the high quality individuals needed to assure an effective security force.

In this regard, the VA security service has recently been beset with charges of brutality and wrongful behavior. Without commenting on any particular allegations, we will say that this is exactly the sort of thing which may occur within a security service plagued with inadequate training, low wages, poor morale and the inability to attract the requisite high caliber personnel. It bears mentioning at this time, that a report issued by the Office of Special Council (OSC) suggestes that members of the security service better get training if the VA is going to keep using them as a police force. The VFW cannot agree more strongly with this assessment.

At this juncture, we would offer a few comments on the conditions under which the VA security officers must carry out their responsibilities. We would begin by pointing out that many VA security offices are understaffed. This means that there is inadequate backup when there is an emergency and that at certain VAMCs there are not enough officers on duty at a given time to provide adequate security throughout the facility. We would recommend increased staffing, as well as increased utilization of electronic monitoring and surveillance devices. We would also comment that even though weapons may be inappropiate and, indeed, unwanted within a given medical facility, they should be available to officers when they are patrolling the outlying perimeters. This is especially so at night in high crime areas. We believe making weapons available to officers while patrolling hazardous areas will not only better enable them to carry out their mission but also reduce the risk of their incurring physical harm. Needless to say, of course, this would further necessitate the VA security service attracting and retaining high caliber personnel and then providing them with adequate training.

The VFW believes that the VA security system can be improved. Foremost in our recommendations is having the Office of Personnel Management (OPM) review the classification rating for VA security officers and then upgrading the starting level. By starting at a higher GS rating, the VA would become more competitive with the private sector, resulting in a reduction in the unacceptable turnover rate and an increased ability to obtain high quality personnel. Once these individuals have been brought into the VA security force, they should then be provided with extensive training and the oversight and encouragement of an actively involved security director. The VFW also recommends that a more thorough pre-employment screening process be implemented so as to reduce the risk of hiring individuals not suited for the job or not likely to enhance the security system at VA medical centers.

Thank you Mr. Chairman, this concludes my statement and I will be happy to respond to any questions you may have.

Affairs and the Director of the FBI. In addition, as the situation exists today, the OPM Federal Investigations Center in Pennsylvania performs all these checks with the FBI, while charging the VA for that service. Savings could therefore be realized in terms of both time and money.

In the past, The American Legion has noted that two other voids within the service have negatively affected recruitment and retention endeavors. These two situations pertain to the training program at North Little Rock, and clothing allowances. Both these issues have improved somewhat, but deserve continued attention and oversight.

Although the clothing allowance was recently increased from $200 to $400 for the initial allowance, The American Legion continues to receive information from the field that indicates many officers still feel this amount, as well as the monthly allocation, is insufficient. This single issue impacts on morale more so than many other concerns VA police officers voice to our Service Officers and Field Representatives.

The training course provided at the VA Police Training School in North Little Rock expanded in December 1987 from forty hours to sixty-four hours. Approximately 12 hours of courses regarding unarmed defense and weapon disarmament have been added. Additionally, increased emphasis has been placed on interpersonal encounters, so that approximately 25% of the course focuses on patient involvement and the hospital environment. Many feel a further expansion in training activities is still required.

Mr. Chairman, on April 25, 1988, one of our Field Representatives conducted a routine visit to the Police Training School, in conjunction with a regularly scheduled visit to VAMC Little Rock, Arkansas. Several concerns were noted during this visit involving staffing, the physical plant, and other shortcomings associated with the school. The following is the Conclusions and Recommendations sections of this report:

CONCLUSIONS

"Within available resources, the training school was reported to be functioning at maximum capacity, yet there remain recognized needs. The school cannot consistently meet the 90 day requirement for the training of new officers, and programs are needed for first line supervisors, detectives, and new Chiefs of Service. Additionally, there are insufficient resources to provide the local station a detailed synopsis of a student's performance (strength and weaknesses), and there is no mechanism to asses the impact of the school's training on job

STATEMENT OF

THOMAS E. CARPENTER, ESQ.

Government Accountability Project

Before the

HOUSE SUBCOMMITTEE ON OVERSIGHT & INVESTIGATIONS

COMMITTEE ON VETERANS AFFAIRS

On

The Veterans Administration Security Service

Thursday, May 19, 1988

STATEMENT OF THOMAS E. CARPENTER
Government Accountability Project

Before the

HOUSE SUBCOMMITTEE ON OVERSIGHT & INVESTIGATIONS
COMMITTEE ON VETERANS AFFAIRS

Mr. Chairman, Members of the Subcommittee, thank you for inviting my testimony today concerning the Veterans Administration Security Service. For the past two years, the Government Accountability Project has represented VA police officers who exposed brutality, abuse and mismanagement at the Cincinnati Veterans Administration Medical Center. In the course of our representation, we have investigated these officers' allegations, obtaining the sworn statements of over two dozen witnesses, employees and abused veterans. Additionally, whistleblowing disclosures took us beyond the Cincinnati facility, to other VA hospitals and to others who have alleged similar problems within the VA security system. Although our investigations are not yet over, I have come prepared to discuss some of the problems we have found, and to suggest some possible solutions for improving the service.

The Veterans Administration was created by a grateful nation to help those of our citizens who gave so much of themselves in our defense. However, the current leadership of the VA security service at its various hospitals around the country appears to have lost sight of this mission. It treats the veterans it is

supposed to serve with hostility and abuse; ignores the civil and constitutional rights of those it takes into custody; engages in crude bigotry against minority patients and VA staff; and has allowed its own staff to remain ill-trained and mismanaged. It has repeatedly abused the personnel rights of its officers, and waged vindictive and illegal campaigns against those officers who engage in disclosures of the service's problems. Unfortunately for the merit system, the VA has had an active partner in retaliation to the point of eliminating the civil service careers of those officers who have insisted on operating within the Code of Ethics for Government Service. That partner has been the Office of the Special Counsel (OSC) of the Merit Systems Protection Board. Ironically, the Special Counsel by law is charged with protecting whistleblowers against reprisal.

The Cincinnati hospital and the case of Daniel R. Wilson serve to exemplify these problems. In 1981 Mr. Wilson began his VA career at the Hines, Illinois VA facility. Apparently, no one at the agency did a background check on his previous employment history. Consider this description of Mr. Wilson contained in the Office of Special Counsel's internal Report of Investigation:

> "Throughout his employment history, Wilson developed a reputation as an aggressive individual. [A former boss, a Chief of Police] heard rumors that Wilson was a little bit too quick to use force. A Mayor told the FBI that Wilson had problems which were attributed to relative youth and lack of experience. As characterized by the FBI, most of these problems were the result of Wilson 'shooting his mouth off' and over-reacting to situations which developed at work. [A co-worker] opined that Wilson's badge may have gone to his head. One of Wilson's colleagues at a former police department, observed that Wilson was immature and irresponsible; and recalled taking Wilson aside and telling him that he was

> overreacting to certain incidents. Some former co-workers stated that Wilson was too aggressive, arrogant, impatient, tough and had a tendency to allow his authority to go to his head."

This does not sound like the kind of officer the VA should have recruited for dealing with veterans seeking treatment for war-related problems, such as Post Traumatic Stress Disorder. But if Wilson's past employment history wasn't enough of a tip-off, his subsequent behavior at the Dallas Veterans Administration hospital should have been. Wilson was accused of at least two incidents involving abuse while a detective there in 1984. One involved allegations of beating a black employee who allegedly ran a stop sign. The union president at the facility described the employee's wounds which he claimed were inflicted by Wilson, "The face of the victim was bruised, also had minor cuts and abrasions. The bruises and cuts to his face were observed by me as follows: Three cuts under his right eye and five under his left eye. There were a couple of bruises on the scalp in front of the left ear. He had bruises and open cuts around his wrists, left and right, and was complaining that he had been choked as well."

The second incident involved a female security guard. She complained that during a training exercise Wilson had taken her to the restroom and sprayed her chest with mace. Later, he disguised himself as a vagrant, equipped himself with a gun, and took the female guard hostage, holding the gun to her head and threatening to blow her brains out. When Wilson was subdued by other officers, his wig fell off and he stated that it was all

just a training exercise. The female officer resigned soon thereafter. Because of her resignation, her grievance filed against Wilson was not pursued or investigated by the VA. According to the OSC, the Assistant Director at the Dallas VAMC described Wilson as having a "tendency to be too rough and to use foul language" and that he "had a temper and could blow up." Despite these warning signs, Wilson was rewarded for his exemplary performance with a promotion to Chief at the Cincinnati VA hospital.

It appears from reading the accounts of the Cincinnati VA management that they were looking for a tough and aggressive Chief to weed out the older officers on their security force. If so, Wilson was a perfect choice. He immediately set about firing the older members of the security force and implementing a new style of law enforcement, along the lines of his Dallas approach.

In striking contrast to Chief Wilson, John Berter was a compassionate and exemplary officer. He had been with the Cincinnati VA security service since 1979. Mr. Berter's record was exemplary prior to his Congressional and FBI whistleblower disclosures. He was awarded a Certificate of Appreciation for professional service by the VA director, Donald Ziegenhorn, a few months before he received his first negative performance appraisal which occurred just after Chief Wilson realized that he had reported abuses to the FBI and Congress.

Mr. Berter was constantly trying to improve his performance. He was embarked on a program of self-improvement during this period, working on earning his Master's Degree in Criminal

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Justice, which he earned at about the same time he was being proposed for removal by Daniel Wilson.

That there was abuse, brutality, and questionable personnel practices going on within the Cincinnati VA Security Service should be beyond question, although the Office of the Special Counsel can't seem to make up its mind. Last September, the Special Counsel ruled there was a reasonable belief for Berter's charges and ordered an agency investigation. But when the Special Counsel endorsed Mr. Berter's firing, the OSC refused to concede that the dissent was supported by a reasonable belief. The OSC only conceded publicly that there may have been verbal discourtesy, and attacked Mr. Berter's credibility.

The OSC's private Report of Investigation then undercut its own public conclusions. In a similar vein, the OSC refused to recognize that Berter was illegally retaliated against by Chief Wilson for exposing the problems that are being addressed by this subcommittee. Nonetheless, the factual record developed by the OSC once again is at odds with its conclusions.

I cannot in good conscience let stand unchallenged the OSC's unprofessional, biased attack on Mr. Berter and the other Cincinnati VA officers who had the courage to stand up to challenge the uncivilized behavior of some of their co-workers. Their reward for their courage was ruined careers and a knife in the back from the agency to whom they had turned for help. It is the height of duplicity for the OSC to testify today about "their" recommendations for improving the security service on the strength of the very evidence that was raised by Mr. Berter, and still claim that

Mr. Berter did not have a good faith belief his allegations were true. GAP recommends that this subcommittee take the OSC's conclusions about Mr. Berter and his fellow officers with a shaker of salt. Consider:

1. Directly or through counsel, Mr. Berter provided 27 supporting affidavits for his allegations, along with 651 exhibits and a successful polygraph examination confirming his veracity. Associate Special Counsel William Reukauf's closeout letter, however, did not mention any of this evidence before rejecting the merits of Mr. Berter's allegations. This suggests an indefensibly one-sided perspective by the OSC in explaining its decision not to seek corrective action.

2. Mr. Berter submitted 21 affidavits from eyewitnesses, patient or employee victims detailing brutality that quite frankly has no place in twentieth century civilized society. The OSC also found that on distinct topics VA Medical Center Police Chief Daniel Wilson had misrepresented himself in OSC testimony. Inexplicably, however, Mr. Reukauf's closeout letter only concluded, "[T]he evidence suggests that Wilson engaged in some verbal abuse ... and similar intemperate behavior." By any objective definition, grinding one's heel into a human being's genitals is not verbal; it is physical abuse. Smashing a victim's face against the wall and refusing to allow the blood to be cleaned is not intemperate; it is barbaric.

3. Mr. Reukauf's closeout letter asserts that "[i]n a Board proceeding, [the OSC] would be hard pressed to rebut arguments that [Mr. Berter's] brutality accusations, in essence, were either completely contrived, or grossly distorted versions of real confrontations." On September 9, 1987, however, the Special Counsel ordered VA Administrator Turnage to investigate the same charges under 5 USC §§1206(b)(2) and (b)(7). The Special Counsel was not lawfully authorized to order that investigation unless Mr. Berter's charges were supported by a "reasonable belief," the identical standard to establish dissent protected against reprisal and the same standard that Mr. Reukauf asserted the Special Counsel could not sustain. The contradiction raises questions whether the OSC grossly distorted the statute or completely contrived its attacks on Mr. Berter.

4. Mr. Reukauf's closeout letter concludes that Mr. Berter's job performance was inferior to that of his colleagues without any justifiable mitigating factors, so it was not discriminatory to discharge him for alleged spelling and grammar incompetence. Again, there is question whether the Special Counsel can maintain a consistent position. According to the Department of Justice, OSC investigators reported that Mr. Berter's mistakes "were no

different generally than any other VA officers there."

Similarly, the Special Counsel failed to comment on a chart submitted by Mr. Berter's counsel that analysed 424 reports from 25 officers and confirmed what OSC investigators had privately told the FBI: Berter's performance was "no different generally" from the others -- an impressive feat when he was being harassed with triple duty assignments, successfully completing his master's degree and helping nurse his wife through the final months of a life threatening pregnancy. Ironically, according to the chart the Special Counsel failed to discuss, the police officer who made the most spelling and grammar errors now serves as the acting chief of police at the VAMC.

5. For the last ten months of the investigation, the OSC refused to discuss new evidence that would defeat Mr. Berter's charges unless rebutted. The Special Counsel's ultimate mission is to determine the facts behind merit system disputes. Inherently the agency cannot function effectively as a truthfinder if it discards due process and practices "secret law" by failing to provide notice of issues for which either party is responsible to defend.

6. In briefings of Congressional staff and to the press, OSC representatives attacked Mr. Berter's motives by describing him as a publicity seeker, although it was well-aware that he took extraordinary steps to maintain his anonymity -- initiatives which the OSC also has criticized. Mr. Berter did not go public until after a union leader was compelled to reveal the identity of the dissenters. This inconsistency raises real questions about the Special Counsel's definitions. Specifically, how can a whistleblower's dissent be dismissed as publicity-seeking self-aggrandizement, when the dissenter took extreme steps to maintain his anonymity until his identity was independently exposed?

7. In separate correspondence with the VA, the Special Counsel based five of seven policy recommendations in whole or in part on evidence submitted by Mr. Berter. But in Mr. Reukauf's closeout letter, the contributions from Mr. Berter's disclosures and testimony were dismissed as "peripheral." None of these policy recommendations would have occurred in the absence of Mr. Berter's disclosures. The OSC's letter amounts to bureaucratic plagiarism combined with personal attacks on the civil servant who was the both the spark for the reforms and lost his career in the process.

8. The Special Counsel dismissed the credibility of all Chief Wilson's brutality victims as felons, drug addicts or mental patients. This defamatory generalization empirically represents a false statement. Indeed, some of the brutality victims were VA employees. To the extent that the OSC staff's views in part are accurate, they demonstrate an astounding insensitivity to veterans who needed help but instead received beatings.

9. The Special Counsel misrepresented the testimony of at

least five witnesses who wanted to go on record in support of Mr. Berter's reprisal complaint. Unfortunately, in order to do that each of the witnesses had to submit affidavits through counsel that repudiated the agency's characterization of their testimony. This development raises severe questions whether the OSC's characterization of facts in whistleblower cases is trustworthy.

10. The OSC staff paid for a supplemental opinion that unsuccessfully sought to discredit the polygraph test results indicating that Mr. Berter had testified truthfully. The OSC has constantly complained before Congress that inadequate OSC investigatory efforts generally result from funding shortages. Perhaps it is how the OSC chooses to spend its money that is the real problem.

11. The Special Counsel refused to credit the conclusions of Mr. Berter's medical team consisting of a licensed physician and a licensed psychotherapist, because the latter was not an M.D. The same team has had extensive experience in diagnosing and treating analogous employment-related health problems and consistently has been accepted as authoritative by employers.

12. OSC investigators interviewed sensitive witnesses who sought anonymity in settings such as Chief Wilson's trailor, while he was located on the other side of a thin wall next to where the confidential witness was sitting. This type of investigative misconduct maximizes the chance of further harassment and chills strong testimony, since Chief Wilson could hear everything being said. It again raises questions whether the OSC wanted to avoid receiving testimony in support of Mr. Berter's reprisal charges, and wanted to facilitate reprisals against those who supported him despite the unnecessary risks.

Despite the Special Counsel's efforts to find against Berter and the other officers, the OSC report's findings are worth summarizing briefly - -

- o the OSC consistently chose to accept Wilson's denial of physical abuse in the face of sworn statements from officers, eyewitnesses and victims based on immaterial disparities between the accounts of the abuse. For instance, Berter's account of Wilson's beating of a black, mentally disabled panhandler was discounted since Berter switched between describing Wilson standing on the victim's testicles versus the victim's groin area.

- o the Special Counsel's report repeatedly confirmed accounts by Berter that Chief Wilson acted as a violent, aggressive and corrupt officer. In addition to quoting a number of Wilson's former employers confirming this image of him, the

OSC quoted Wilson as admitting that he threatened "street people" who visited the hospital that he (Wilson) "could fix it so that they could see a doctor." Wilson also admitted that he told at least one suspect that he would "make a little girl out of" him.

- the OSC verified that Wilson falsely testified to government investigators about his employment history, his knowledge of the alleging officers' identities, his role in Berter's negative performance appraisal, and his statements at a staff meeting concerning the allegations against him.

- the Special Counsel's internal report refused to condemn obviously uncivilized behavior such as characterizing the beating of a mental patient who was handcuffed to a chair in the security office as "not tantamount to brutality." The patient had been subdued and was hit in the mouth so hard that he required four stitches. Although the officer who had struck the patient denied it to government investigators, Wilson himself confirmed the incident.

In fact, overall Wilson was accused of brutalizing, harassing or intimidating some 19 people altogether, many of them veterans, some of them employees, and others simply visitors to the hospital. Fourteen of his victims were minorities. It stretches the bounds of credibility to believe that each and every incident was contrived in some massive conspiracy of witnesses, many of whom did not know one another or were located in different parts of the country.

But apart from the debate of what did and did not occur at Cincinnati VAMC, or who to believe or not believe, it would be helpful to take a step back and review the actions of the VA in response to the allegations of abuse. For instance, we find it particularly disturbing that, although a Chief of Security at a major VA hospital was accused of multiple instances of abuse, brutality, and questionable law enforcement procedure, his

accusers were never questioned by VA personnel, and no internal investigation was ever launched. Wilson was not suspended pending investigation of the allegations, despite his past history of similar allegations against him. The alleging officers were all harassed and eventually fired on petty and sometimes trumped-up charges by the man who was accused of the abuse. And the VA management, from Washington to Cincinnati, concentrated its efforts on damage control rather than truth-seeking, worrying more about its public image than whether some of its veteran/patients might have been abused.

To illustrate, VA staff repeatedly insisted that the Administrator, Thomas Turnage, use his personal friendship with Attorney General Ed Meese to "facilitate an end" to the FBI's investigative activities, according to an internal VA memorandum procured by GAP. This is a curious recommendation. Could it be that the VA was afraid of what the FBI might find? Is there a question of obstruction of justice here? In a similar vein, the VA staff crowed its glee in an internal memorandum when it managed to intervene to postpone a fact-finding Congressional visit to the Cincinnati hospital. The reason given to the Congressional investigators was that Mr. Wilson was unavailable for interview due to the fact that his mother was ostensibly ill. Our sources indicate that Wilson was present and accounted for, however, on the day that the visit would have occurred. I guess Wilson's mother experienced a miraculous recovery.

Unfortunately, the case of Daniel Wilson is not an isolated phenomenon within the VA. Dissenters within the security service

are consistently dealt with in a harsh and retaliatory manner. When Officer Vernon Mize and several of his fellow officers exposed serious problems in the Palo Alto security service, including obstruction of investigations and failure to prosecute violations of law including pervasive drug trafficking, his boss, Jerome Hoban, illegally discriminated against him by retaliatory assignments and a lowered performance rating.

Hoban's misconduct was too much even for the Special Counsel which successfully prosecuted him in 1984. But the story, did not stop there. Charles Manuel, another VAMC officer who corroborated Mr. Mize's allegations, became a victim of the VA security service's dirty tricks. Manuel, who was stationed at the Allen Park Michigan VA, was a witness in the MSPB hearing on Hoban. Two investigators employed by James Fasone, Maynard Enos and Robert LeBlanc, were sent to the Allen Park facility ostensibly on an investigative assignment. While at Allen Park, the two investigators allegedly "overheard" a conspiracy on the part of Manuel to manufacture evidence. The two investigators then testified in the MSPB hearing in an effort to discredit Manuel's testimony against Hoban. The effort backfired, however, when the judge observed,

> "Aside from inconsistency in the testimony of Enos and LeBlanc, another telling aspect was their aptitude for making fortunate discoveries accidentally, such as happening upon and overhearing conversations of Manuel and Hypes in the Allen Park VAMC cafeteria, allegedly conspiring to contrive testimony. The testimony of Enos and LeBlanc was bizarre, smacked of serendipity, and simply was not reliable." - Special Counsel v. Hoban, No. HQ12068310017, p. C-13 (June 19, 1984).

Mr. Fasone's traveling undercover unit also played a role in smearing a Dallas VAMC officer who attempted to blow the whistle on improprieties in 1983. A VA officer by the name of Torres made a series of allegations concerning a theft ring at the VA hospital. Mr. LeBlanc surfaced, ostensibly to investigate the charges. However, in his interview with Torres, he accused Torres of alleged possession of a dangerous weapon and of "smoking pot." When Torres denied the charges, LeBlanc demanded to search Mr. Torres' car, and threatened to arrest him if he refused to consent to the search. LeBlanc allegedly opened his briefcase and displayed a handgun during the interrogation. Mr. Torres eventually consented to the search, and LeBlanc "found" what he characterized as a dangerous weapon . . . a metal cable . . . underneath the seat of Torres' car. Torres was issued a District Court notice for possession of a dangerous weapon, and investigator LeBlanc was flown down at VA expense to testify against Torres in his hearing. Torres was convicted, given a suspended sentence, and fired from his position. In short, LeBlanc was sent ostensibly to investigate Torres' charges, but made Torres the target of the investigation instead. (U.S. v. Torres, No. 83-1833, slip op. (5th Cir. August 6, 1984); Appellant's Opening Brief at 3, 4, Torres v. U.S., cert. denied, No. 84-5550, U.S., October, 1984.)

In Wilkes Barre, Pennsylvania, a by now familiar-sounding pattern of harassment has also recently emerged. Officer John Riedmiller and several other officers were recently terminated on trumped-up charges after exposing corruption, patient abuse and

fraud within the security service there. Officer Riedmiller had made repeated disclosures to the VA management at Wilkes Barre, to the IG's office, and to Mr. James Fasone's office before his April 1, 1988 termination for allegedly possessing unauthorized documents. It is interesting to note that the Pennsylvania Department of Unemployment found that Mr. Riedmiller was not fired for good cause and awarded him and another officer full benefits, despite the VA's insistence that he engaged in wrongdoing.

As I understand the situation there, the VA Inspector General is still investigating this incident, and Mr. Fasone has also sent a representative to interview the allegers. Yet nothing has been done on the fired officers' behalf. As usual, the target of the allegations remain secure and happy in their positions.

What kind of message is the VA sending to its employees? Any and all dissent, whether protected by the constitution, federal regulations, statutes or VA procedure, will be harshly and promptly dealt with. In most cases, nothing will be done to the targets of the allegations, and the whistleblower will instead be targeted for removal, with a smear and career destruction to follow. The pattern is obvious for all to see. It is followed consistently, and service employees are aware of it.

Of all the recommendations the Office of the Special Counsel has made to the VA to improve its security service, the most obvious recommendation was overlooked: Bring the VA into compliance with federal law, and stop harassing and illegally retaliating against officers whose only crime is to strive for better

government. Without this basic remedy, the VA security service will continue to be plagued with problems that rarely find satisfactory resolution. I urge this subcommittee to review the dismal record of the VA security service, and observe that for the past eight years, recommendations similar to those offered by the OSC today were proposed in 1981 at a hearing chaired by Representative Mottl; and again in 1982 in a follow-up hearing; and in a 1983 report paid for by the VA, recommending basic policy improvements at the Little Rock training center. All of these recommendations continue to be ignored, leading to more hearings like this one. A review of the history of these suggested improvements plays like a broken record. I suggest that the subcommittee get down to brass tacks and call for the removal of the man who is supposed to be in charge of the security service, the man who sent on assignment a hit team of investigators to remove the problem of dissenting employees, the man who stood by and did nothing when one of his chiefs was accused of the most egregious behavior, and the man who has allowed brutal racism to continue unabated. I am speaking, of course, of James Fasone, whose full role in the laundry list of problems is still unknown.

The security service at the VA has to develop a new mentality if it ever expects to regain credibility. It has to start treating veterans with respect, and stop acting like a bureaucratic Dirty Harry. It must implement internal procedures that guarantee and protect the rights of its employees who challenge problems, illegalities and abuses. It needs better training, better funding, and to develop a respect for the civil and

constitutional rights of those whom it is supposed to protect.

Your second problem is the lack of independence and integrity within the VA Inspector General's office. Why does Mr. Fasone have as his assistant a man who used to work for the Inspector General, a man who investigated and cleared Mr. Fasone of wrongdoing in a 1984 investigation? I am referring to Mr. William Harper, who recently visited the Wilkes-Barre VAMC on Mr. Fasone's behalf. I am referring also, to Mr. Paul Cravato, recently of the OSC, an investigator on the Cincinnati VA investigation, who sometime in the last few months began a new career as an agent with the VA Inspector General?

In conclusion, unless and until a serious restructuring of the VA security service and the IG's office is undertaken, the bad apples replaced, and new policies implemented, you will most likely have to live through more hearings like this one. I urge you in the strongest possible terms to look for yourselves at the record, and draw your own conclusions. Thank you for inviting my testimony before you today.

Department of Medicine and Surgery
Washington D.C. 20420

Veterans Administration

SEP 1 1987

In Reply Refer To: 136F

Mr. Thomas Carpenter
Government Accountability Project
25 E Street, NW, Suite 700
Washington, DC 20001

Dear Mr. Carpenter:

This is in final response to your Freedom of Information Act (FOIA) request addressed to the Great Lakes Region (10BA4), Veterans Administration Central Office (VACO). Your letter was referred to me for response as the FOIA Officer for the Department of Medicine and Surgery (DM&S), VACO.

The first items requested are any and all investigations, inquiries, incident review board reports, or any and all other records generated at or in connection with the Cincinnati VAMC from December 1984 to the present. There are no VA investigations, inquiries, or incident review board reports generated at or in connection with the VAMC Cincinnati in DM&S, VACO. We understand you have submitted a similar request to the VA's Office of Inspector General.

The second items requested are any and all records relating to or generated in connection with complaints against or because of Daniel R. Wilson, current Chief of Security Services at VAMC Cincinnati. The DM&S, VACO has been referred two pieces of correspondence which constitute complaints. One letter was written by John Berter and David Headley to Senator Howard Metzenbaum, and the other was written by John Berter, Charles Wallace, David Headley and Harold Hipple to Representative Thomas Luken. Copies of these complaints and responses thereto were forwarded to you in our July 14 response to your June 19 FOIA request. The DM&S, VACO, has received no direct complaints against Chief Wilson.

The third items requested are any and all records relating to or generated in connection with the FBI's investigation into alleged brutality at the Cincinnati VAMC. We have two letters from the Department of Justice regarding the FBI's investigation of allegations against Chief Wilson. One letter is addressed to Chief Wilson and the other letter, which is identical, is addressed to Donald Ziegenhorn. Both letters are dated March 2, 1987, and copies were forwarded to you in our July 14 response. Enclosed are two pieces of correspondence regarding the FBI investigation. One letter is to the Department of Justice and the other is in response to a letter from Senator John Glenn. We understand you have submitted a similar request to the VA's Office of Inspector General.

2.

Mr. Thomas Carpenter

In response to the fourth items requested, enclosed are all documents in DM&S, VACO, concerning David Headley, Charles Wallace and Harold Hipple. All documents relating to John Berter were forwarded to you in our July 14 response.

In response to item 5, enclosed are three documents generated by Robin Johnson that deal with the police situation at VAMC Cincinnati, as described in your request.

In response to item 6, enclosed is the document generated by Cheri Szabo that refers to the police situation at VAMC Cincinnati, as described in your request. A patient's name and other identifying information have been withheld from this document under exemption (b)(6) to the FOIA, 5 U.S.C. 552(b)(6). This exemption provides for the withholding of information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

If you disagree with our decision to withhold this information, you may file a written appeal with the Administrator of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420.

Sincerely,

MICHAEL M. LAWSON
Director
Medical Administration Service

Enclosures

REPORT OF CONTACT

NOTE: This form must be filled out in ink or on typewriter, as it becomes a permanent record in veterans' folders.

VA OFFICE	IDENTIFICATION NOS (C, XC, SS, XSS, V, K, etc.)
DM&S VACO	

LAST NAME—FIRST NAME—MIDDLE NAME OF VETERAN (Type or print)	DATE OF CONTACT
	9/11/86 2 p.m.
ADDRESS OF VETERAN	TELEPHONE NO. OF VETERAN
PERSON CONTACTED	TYPE OF CONTACT (Check)
Don Ziegenhorn, Director	☐ PERSONAL ☒ TELEPHONE
ADDRESS OF PERSON CONTACTED	TELEPHONE NO. OF PERSON CONTACTED
VAMC Cincinnati, OH	3754

BRIEF STATEMENT OF INFORMATION REQUESTED AND GIVEN

Mr. Ziegenhorn called to inform this office that the Office of Special Counsel investigation at Cincinnati had been terminated at the direction of the Department of Justice because of the FBI investigation that is still pending concerning allegations of civil rights violations by the VAMC police.

The Special Counsel had been at the medical center since Monday and had taken sworn testimony from 18 employees, including a two hour interview with the Director, as well as the Associate Director. The investigator then told Mr. Ziegenhorn that their Central Office had called on Wednesday and told them to write up the information they had collected to date and return to Washington. This would not include testimony of the two individuals under review for inappropriate personnel practices (the Chief, Police and Supervisory Police Officer), who were not scheduled for their interviews until Thursday.

It is important to note that the investigation was not concluded or closed, but merely put on hold until the FBI investigation is resolved. From the VAMC's perspective, these "secretive" investigations have been going on for almost six months with no feedback to medical center management about the results and/or details of their findings. The longer these "unresolved" investigations are pending, the more speculation there is about medical center mismanagement, particularly because of Lonnie Carter's presence and involvement in the issues.

Mr. Ziegenhorn emphasized that the FBI investigation was discussed with Joan Lamb during the Administrator's visit to Cincinnati. He told her that the local FBI refused to tell us any details of their review, but simply said it had been referred to the Department of Justice. Colonel DeWire was also unsuccessful in obtaining any information from the local FBI. Joan Lamb suggested that since the Administrator was good friends with Ed Meese, perhaps a personal phone call would provide us with additional insight and information.

REPORT OF CONTACT

NOTE: This form must be filled out in ink or on typewriter, as it becomes a permanent record in veterans' folders.

VA OFFICE

IDENTIFICATION NOS. (C, XC, XX, XXX, V, E, etc.)

LAST NAME—FIRST NAME—MIDDLE NAME OF VETERAN (Type or print)

DATE OF CONTACT

ADDRESS OF VETERAN

TELEPHONE NO. OF VETERAN

PERSON CONTACTED

TYPE OF CONTACT (Check) ☐ PERSONAL ☐ TELEPHONE

ADDRESS OF PERSON CONTACTED

TELEPHONE NO. OF PERSON CONTACTED

BRIEF STATEMENT OF INFORMATION REQUESTED AND GIVEN

Because of the detrimental and unsettling effect this is having upon the Cincinnati VAMC, it is suggested that DM&S may wish to explore this option.

cc: 10B (Orig. + 7)
101B
132
055B - Doug Katcher

DIVISION OR SECTION

Great Lakes Region (10RA4)

EXECUTIVE (Signature and title)

ROBIN JOHNSON
Health Systems Specialist

cp

VA FORM 119 JUL 1977 — EXISTING STOCKS OF VA FORM 119, JUL 1974 WILL BE USED.

GPO : 1986 O - 150-241

VETERANS ADMINISTRATION
DEPARTMENT OF MEDICINE & SURGERY
VAMC CINCINNATI, OHIO
FBI INVESTIGATION

On November 10-11, the local news media ran a series entitled "VA - Is it a Hell for Heroes?" This negative coverage featured two of the police officers and four veteran patients alleging police brutality and poor quality of medical care. The coverage referred to the "year-long FBI investigation" and the possibility that the Government Accountability Project would also conduct an investigation into the matter.

The VA has recently received a detailed letter from GAP with endorsements from Congresswomen Mary Rose Oakar and Patricia Schroeder requesting the VA to investigate this matter. The IG is currently dealing with this request, but the initial feeling is that it would be inappropriate for us to intervene because of the "pending" FBI investigation. The VA General Counsel made contact with the Department of Justice on November 17, but was only told that the investigation was still considered an "open case" and could not be discussed further.

The adverse publicity surrounding this issue and the disruption of activities at the local medical center continue to "snowball" and have reached an intolerable level that is negatively affecting employee morale and the image of the VA. It is our belief that nine months should be sufficient for the FBI to conclude its investigation and recommend that the Administrator make the appropriate contacts at the Department of Justice to facilitate an end to the FBI's investigative activities.

It should be noted that while the VA medical center feels confident that the allegations cannot be substantiated and that their disciplinary actions against the four police officers have been appropriate, we do not know what additional information the FBI may have discovered. Therefore, it is essential that the VA be informed of their findings so that we can reassess our own actions to ensure their appropriateness.

A chronology of disciplinary actions and related information concerning the four police officers in questions are attached for further information.

ROBIN JOHNSON
Great Lakes Region (10BA4)
11/19/86

Office of the
Administrator
of Veterans Affairs

Washington DC 20420

Veterans
Administration

DEC 18 1986

Mr. Stephen S. Trott
Associate Attorney General
Department of Justice
10th and Constitution Avenue
Room 4109
Washington, D.C. 20530

Dear Mr. Trott:

The FBI has been conducting an investigation at the Veterans Administration Medical Center in Cincinnati, Ohio, since March 1986. The investigation, which is centered on allegations of police brutality and civil rights violations at the center, has proven to be disruptive to the operation of the center. It is having an adverse impact on employee morale, and the Agency's image in the local community is being tarnished as a result of negative publicity.

The Veterans Administration hopes that the investigation can be conducted in as expeditious a manner as possible. On conclusion of the investigation, VA will take any disciplinary, or other actions deemed appropriate. Can you give us the date when you expect conclusion of the investigation? Your attention to this matter would be greatly appreciated.

Sincerely,

THOMAS K. TURNAGE
Administrator

VETERANS ADMINISTRATION

DEPARTMENT OF MEDICINE & SURGERY

CINCINNATI - FBI INVESTIGATIONS

RE: CIVIL RIGHTS VIOLATIONS

I. ISSUE: Allegations of police brutality and civil rights violations. Four officers involved are David Headley, Charles Wallace, Harold Hipple and John Berter. As of this date, all cases are officially closed.

II. BACKGROUND: Complainants

- All complainants counselled about performance on September 1985

- Charles Wallace - May 1986, separated for disability - July 1986 reinstated.

- Harold Hipple - November 1985 - February 1986, proposed removal documented, May 1986 - removed from employment. September 1986, settled appeal to MSPB, including resignation.

- David Headley - September 1985 - October 1986, inappropriate conduct, exhausted S/L, AWOL status documented. Notice of removal December 1986. February 1987 - effective date of removal.

  MSPB hearing scheduled April 1986. Case settled out of court. Resigned with clean record and one months pay.

- John Berter - September 1985 - October 1986, inappropriate conduct, exhausted S/L, AWOL status documented. Notice of removal August 1986, effective date February 1987.

  MSPB scheduled May 19, 1987.

III. INVESTIGATIONS

- March 12, 1986 - FBI initiated investigation. March 2, 1987, concluded that the evidence does not support federal criminal prosecution.

- September 1986 - Office of Special Council initiated investigation. Investigation has been concluded, however to date final report has not been received.

- November 1986 - VA Inspector General monitoring actions of VA, OSC and GAP. May 18, 1987, meeting with U.S. Attorney, Cincinnati to accept case to prosecute Mr. Headley and Mr. Berter on false statements.

- October 1986 - Governmental Accountability Project. Representing Mr. Berter in MPSB appeal of his removal. Compiled report dated April 8, 1987. Appeared on local radio with Mr. Berter generating adverse publicity on police brutality.

VETERANS ADMINISTRATION

DEPARTMENT OF MEDICINE & SURGERY

CINCINNATI - FBI INVESTIGATIONS

RE: CIVIL RIGHTS VIOLATIONS (Cont'd)

IV. Current Status

VA District Council in Cincinnati, Office of Associate Deputy Administrator for Congressional & Intergovernmental Affairs and Chief of Staff interceded to postpone a site visit by two House of Representatives staffers, Civil Service Committee to interview VAMC Cincinnati Management, witnesses, and GAP concerning the investigation. Ellen Battistelli and Don Upson were scheduled to visit May 13-14, 1987.

- On May 7, 8 and 15, discussions with VA, VA Counsel and GAP Attorney Joseph Kennedy, on behalf of Mr. Berter, to discuss out of court settlement.

- On Friday, May 15, 1987, Mr. Berter was offered this settlement, which included apology for misconstruing events, settlement dollars for Attorney fees, resignation and dismissal of EEO complaints.

- Mr. Berter notified the VAMC Cincinnati, with council from GAP attorney, Mr. Kennedy that he was withdrawing his appeal on Friday, May 15, 1987. This withdrawal results in eliminating appellate rights for Mr. Berter and removal stands without further action.

V. Recommended Action

1. It should be noted that withdrawal of Mr. Berter's request for appeal does not resolve adverse publicity and the disruption of activities at the medical center.

The medical center remains confident, and to date no evidence has been presented, that allegations cannot be substantiated and that disciplinary actions have been appropriate.

2. The VA should seek Congressional assistance in requesting that GAP discontinue its efforts/actions to disrupt the VAMC Cincinnati and community.

VETERANS ADMINISTRATION

DEPARTMENT OF MEDICINE & SURGERY

CINCINNATI - FBI INVESTIGATIONS

RE: CIVIL RIGHTS VIOLATIONS (Cont'd)

VI. Congressional Concerns

- Honorable Patricia Shroeder, Chairwoman, Subcommittee on Civil Service, House of Representatives
- Honorable Mary Rose Oakar, Chair, Subcommittee on Compensation & employee Benefits, House of Representatives
- Honorable Howard M. Metzenbaum, Committee on Judiciary, U.S. Senate
- Honorable Frank Horton, Ranking Minority Member, Civil Srv Subcommittee, House of Representatives
- Honorable G. V. (Sonny) Montgomery - Lane Evans, Chairman, Subcommittee on Oversight and Investigations
- Senator Alan Cranston, Committee on Veterans Affairs, U.S. Senate

Cheri Szabo

CHERI SZABO
Health Systems Specialist
Great Lakes Region (10BA4)

5/18/87

REPORT OF CONTACT

NOTE: This form must be filled out in ink or on typewriter, as it becomes a permanent record in veterans' folders.

VA OFFICE: DM&S VACO

IDENTIFICATION NOS. (C, XC, SS, XSS, V, X, etc.):

LAST NAME—FIRST NAME—MIDDLE NAME OF VETERAN (Type or print):

DATE OF CONTACT: 7/21/24/87 8:15 am

ADDRESS OF VETERAN:

TELEPHONE NO. OF VETERAN:

PERSON CONTACTED: DONALD ZIEGENHORN, Director

TYPE OF CONTACT (Check): ☐ PERSONAL ☒ TELEPHONE

ADDRESS OF PERSON CONTACTED: VAMC CINCINNATI, OH

TELEPHONE NO. OF PERSON CONTACTED: 3754

BRIEF STATEMENT OF INFORMATION REQUESTED AND GIVEN

On Monday evening at 7:00 p.m., July 20, 1987, a segment entitled "whistleblowers" was aired on Tom Brokaw's NBC nightly news. The issue relates to the allegations of police brutality and civil rights violations at VAMC Cincinnati. The four officers involved are David Headley, Charles Wallace, Harold Hipple and John Berter. All cases are officially closed. Outcome of cases are as follows:

Wallace - (reinstated July 1986); Hipple, settled appeal to MSPB including resignation, September 1986; Headley, settled out of court with a clean record and one months pay, removed February 1987; Berter, removed February 1987, withdrew MSPB appeal May 1987.

The segment aired the following:

- Interviews given by Wallace and Berter stating they witnessed "patient abuse by Chief Wilson."

- Berter sent anonymous letter to FBI to investigate allegations.

- FBI report identified as "no further action required, case closed."

- Patient interviewed stating "he had been physically beaten." NOTE: has been treated for a psychiatric condition at VAMC and Cincinnati. He has been reported on record to have assaulted patients and staff.

- Chief Wilson reported to "deny all allegations." (He was not interviewed).

- VAMC Cincinnati "has not conducted an investigation."

- Mary Weisman, Office of Special Council, stated that "the final report concerning their investigation is not complete."

- Individual (not identified) stated that "Office of Special Council is opposite of what it should be; OSC is indifferent and hostile toward this investigation."

REPORT OF CONTACT

NOTE: This form must be filled out in ink or on typewriter, as it becomes a permanent record in veterans' folders.

VA OFFICE

IDENTIFICATION NOS. (C, XC, SS, XSS, V, K, etc.)

LAST NAME—FIRST NAME—MIDDLE NAME OF VETERAN (Type or print)

DATE OF CONTACT

ADDRESS OF VETERAN

TELEPHONE NO. OF VETERAN

PERSON CONTACTED

TYPE OF CONTACT (Check) ☐ PERSONAL ☐ TELEPHONE

ADDRESS OF PERSON CONTACTED

TELEPHONE NO. OF PERSON CONTACTED

BRIEF STATEMENT OF INFORMATION REQUESTED AND GIVEN

- Berter shown receiving award for "professional performance."

- Berter removed due to "unacceptable performance."
A copy of the video has been obtained by Office for Public and Consumer Affairs (003F) from WRC TV/NBC. A transcript is forthcoming.

A similar broadcast was aired on Monday, July 20, 1987, on Channel 12, an ABC affiliate, Cincinnati, OH.

Chief Wilson also received a call from David Hilzen-Roth, Washington Post and 20/20 News. He did not take the call from 20/20 News. He reported to the post that "OSC is conducting an ongoing investigation and that it would be improper for him to make comments."

Current Status of Issue:

- The Office of Special Council has completed their investigation, however to date, the final report has not been received.

- VA Inspector General has been monitoring the actions of VA, OSC and Government Accountability Project (GAP).

- GAP continues to represent Mr. Berter, although he withdrew his MSPB appeal in May 1987.

UPDATE: 7/24/87

The attached information discusses media coverage (T.V. and radio) that occurred the week of July 20-24, 1987, concerning allegations of police brutality at VAMC Cincinnati.

Att.

cc: 10B (Orig. + 7) - 101B

DIVISION OR SECTION
Great Lakes Region (10BA4)

EXECUTED BY (Signature and title)
CHERI SZABO
Health Systems Specialist

cp

VA FORM JUL 1977 119 EXISTING STOCKS OF VA FORM 119, JUL 1974 WILL BE USED.

U. S. GOVERNMENT PRINTING OFFICE : 0 1986 - 169-803

8 5138614169

July 24, 1987

SYNOPSIS OF MEDIA WEEK IN CINCINNATI

-Monday, July 20

.Dan Wilson received a call from David Hillensroff of Washington Post. The usual. No comment by Wilson.

.Tom Brokaw (NBS Nightly News)
Topic
Whistleblowers - national

.Channel 12 - local ABC affiliate
Topic
Whistleblowers - local focus (nothing new)

.Between 7 p.m. and 9:30 p.m. on July 20, our telephone operators and the police received a number of obnoxious and threatening telephone calls. Several threatened physical harm toward Wilson and the police in general, i.e. "general rats neat out there if you won't clean up I will"; "all police are guilty, I'll take action to correct."

-Tuesday, July 21

.The Cincinnati Post (article attached)

.I informed Joe Daley, Deputy Agent in charge of local FBI office, of threatening calls. With his knowledge we installed a "trace" mechanism on a single line in police office. If we receive more calls the FBI wants the numbers and they will contact callers.

.Operator received a call at 12:20 p.m. from a man who said "I saw you on TV last night. The army taught me how to kill. Those pigs out there are going to find out." Note: The tracer mechanism had not been installed at this time.

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Page 2
Synopsis of Media

-Thursday, July 23

We (management) were informed by Chief of Security in the early morning that there was to be a news conference in front of the hospital at noon. GAP, Mr. Berter, the NAACP and others were to be involved. There may be picketing. Mr. Wilson (Chief of Security) informed us that Officer Charles Wallace (one of the original four officers who filed the complaint with the FBI) and who remains on our staff had asked on Wednesday for annual leave on Thursday. It was granted. Mr. Wallace had been in contact with a unknown number of our other police officers trying to encourage them to join him in the cause (my word). The officers, according to Chief Wilson, were very distressed and complained about Wallace's behavior.

Management was notified at 11:45 a.m. that a small group of people were gathering on the sidewalk adjacent to VA property in the front of the building (Vine Street). The group size was 20 -25.

In anticipation of media contact, we developed a news release (included in package that was sent to VACO in overnight mail on 7-23-87). The GAP representatives, i.e. Mr. Tom Carpenter (and we think Michele Sullivan) handed out packages to the group and other passersby.

The complete package was sent overnight mail to Director, Great Lakes Region, VA Inspector General, VA General Counsel, VA District Counsel, Office of Special Counsel and VACO Office of Public Affairs. The package contained:

.Press Release - NAACP and others
.Statement of John Berter

Synopsis of Media

.VA - DM&S White Papers on FBI investigation and Civil Rights Violations
.A copy of Mr. Berter's Performance Appraisal for 4-1-84 - 3-31-85
.A booklet of "Briefing Materials for VAMC Investigation" prepared by GAP
.A booklet of "VA Brutality Case, Briefing Packet, Supplemental Affidavits" by GAP. This booklet is similar to their earlier, "blue cover" booklet.
.Cincinnati VA Press Release (handed out to reporters in the medical center after the press conference).

Persons observed to be present as part of the group:

.Former police officer Berter
.Present police officers Ketron and Wallace
.Charles Ingram - Canteen employee
.Lonnie Carter - Respiratory technician and Union President
.Brenda McCollum - Housekeeping Aid and Union Secretary/Treasurer
.Larry McClasky - Nursing Assistant
.Dan Snelbaker - patient (allegedly to have been abused)
.Clifford Parham - patient (allegedly to have been abused)
.Tom Carpenter -GAP
.Paul Booth - President, Cinti Chapter of NAACP

The group dispersed at 12:30 p.m. There were no confrontations, no disruption of hospital business and no picketing.

The story was covered by the media, and like segments appeared on all three stations on the 6 p.m. newscast. Channel 5 (local NBC affiliate) had the most in-depth coverage, i.e. 3 to 4 minutes. The focus was: protection for whistleblowers; alleged abuse of patients by Wilson; Snelbaker and Parham describing

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Page 4
Synopsis of Media

their abuse; GAP threatening to "File a lawsuit against the VA on behalf of Berter"; Paul Booth (NAACP) stating that "14 of 19 patients who were allegedly abused were black, obviously this was discriminatory behavior and they were considering the filing of a discrimination complaint"; and discounting the FBI investigation and calling for an independent investigation. The same story, scaled down version, also was shown on the 11 p.m. newscast, NBC and CBS affiliate.

The Cincinnati Enquirer (am) carried an article in the paper July 24 edition. Copy attached.

At this time there have been no further media exposures.

Donald L. Ziegenhorn

DONALD L. ZIEGENHORN
Medical Center Director

REPORT OF CONTACT

NOTE: This form must be filled out in ink or on typewriter, as it becomes a permanent record in veterans' folders.

VA OFFICE: DM&S VACO

IDENTIFICATION NOS (C, XC, SS, XSS, V, K, etc.):

LAST NAME—FIRST NAME—MIDDLE NAME OF VETERAN (Type or print):

DATE OF CONTACT: 11/12/86 3:30 p.m.

ADDRESS OF VETERAN:

TELEPHONE NO. OF VETERAN:

PERSON CONTACTED: Don Ziegenhorn, Director

TYPE OF CONTACT (Check): ☐ PERSONAL ☒ TELEPHONE

ADDRESS OF PERSON CONTACTED: VAMC Cincinnati, OH

TELEPHONE NO. OF PERSON CONTACTED: 3754

BRIEF STATEMENT OF INFORMATION REQUESTED AND GIVEN

Mr. Ziegenhorn called to inform this office of a two-part series that was aired by the NBC affiliate in Cincinnati, Monday and Tuesday evenings entitled "VA Medical Center - Is it a Hell for Heros?" The first portion was aired at 11 p.m., following "Unnatural Causes." The two segments featured VA police officers who alleged verbal and physical abuse of patients by VA security, which refers to the FBI and Special Counsel investigations that have been ongoing since April 1986.

The coverage also included interviews with four patients who alleged poor quality of care and mistreatment of patients. These patients have been previously ~~been~~ known to management and are either psychiatric patients with multiple admissions or polydrug abusers. A VAMC volunteer was also interviewed (Jean Stophlet) who was identified by the TV as a "National VAVS Director." Ms. Stophlet, who has always been a very vocal volunteer, said that the only positive thing about the VAMC was the volunteer program and that she was hearing more complaints from the patients now than ever before. Ms. Stophlet also said that she was coming to Washington, D.C. next week for the National VAVS meeting and that she would tell whomever she could get to listen how bad things were at the Cincinnati VAMC. Mr. Ziegenhorn will be contacting Ed Rose to alert him to this situation.

The news coverage also made mention of the "year-long" investigation still ongoing at the VAMC by the FBI, that are as yet "unresolved." The Office of Special Counsel was again at the VAMC on November 6, to interview a police officer transferring to Tampa. One investigator came to the VAMC and two others were "out in the community interviewing people." Again, no information was provided to management about their progress, findings, etc. This continues to be an extremely frustrating situation for the medical center.

cc: 10B (Orig. + 7)
101B
13
135
06-Donna St John

DIVISION OR SECTION: Great Lakes Region (10BA4)

RECORDED BY (Signature and title): ROBIN JOHNSON
Health Systems Specialist

cp

VA FORM JUL 1977 119 EXISTING STOCKS OF VA FORM 119, JUL 1974 WILL BE USED.

GPO : 1986 O - 150-241

REPORT OF CONTACT

NOTE: This form must be filled out in ink or on typewriter, as it becomes a permanent record in veterans' folders.

VA OFFICE: DM&S

IDENTIFICATION NOS. (C, XC, SS, XSS, V, K, etc.)

LAST NAME—FIRST NAME—MIDDLE NAME OF VETERAN (Type or print)

DATE OF CONTACT: 11/14/86

ADDRESS OF VETERAN

TELEPHONE NO. OF VETERAN

PERSON CONTACTED: Don Ziegenhorn

TYPE OF CONTACT (Check): ☐ PERSONAL ☒ TELEPHONE

ADDRESS OF PERSON CONTACTED: VAMC CINCINNATI, OH

TELEPHONE NO. OF PERSON CONTACTED: 3754

BRIEF STATEMENT OF INFORMATION REQUESTED AND GIVEN

In the adverse news coverage Cincinnati received last week entitled "VA - Is it a Hell for Heros?," a volunteer by the name of Jean Stophlet represented herself as a "National V.A.V.S. Director." Ms. Stophlet said that the only positive thing about the Cincinnati VAMC was the volunteer program and that she was hearing more complaints there now than ever before, and more than at any other VAMC. She also stated that she was planning to come to Washington this week for the VAVS meeting and that she planned to tell anyone she could find to listen how bad things were at Cincinnati.

Mr. Ziegenhorn later contacted Ms. Stophlet at her home to express his disappointment with her participation in the newscast. He told her that the VAMC staff was dismayed at her comments and he was disappointed that she had not attempted to express her concerns to VAMC Management. He said that he felt she had done a disservice to the veterans and that he was disappointed that she had allowed herself to be drawn into the sensationalism of such news coverage. He then told her that she left him no other alternative than to tell her that she was no longer welcome at the medical center.

Mr. Ziegenhorn had previously discussed this with Ed Rose, Director, Voluntary Service. Ms. Stophlet is the Director, National Service Star, Inc., an organization that consists of Ms. Stophlet and a hand full of other individuals (27 total).

A tape of the newscast is available in the Region for viewing.

cc: 10B (Orig. + 7)
13
135

DIVISION OR SECTION: Great Lakes Region (108A4)

SIGNATURE (Initials and title): ROBIN JOHNSON
Health Systems Specialist

cp

VA FORM 10-1119 JUL 1977 — EXISTING STOCKS OF VA FORM 119, JUL 1974 WILL BE USED.

GPO : 1986 O - 150-241

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
Affiliated with AFL-CIO
80 F Street, N.W., Washington, D.C. 20001

STATEMENT BY

KENNETH T. BLAYLOCK
NATIONAL PRESIDENT
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES
(AFL-CIO)

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
U.S. HOUSE OF REPRESENTATIVES

ON

VA SECURITY SERVICE AND
SECURITY AT VA MEDICAL CENTERS

MAY 19, 1988

The American Federation of Government Employees (AFGE), AFL-CIO, is pleased to have this opportunity to submit this statement regarding the police officers of the Veterans Administration (VA). AFGE represents over 700,000 government employees across this country, including 120,000 in the VA, many of whom are VA Law Enforcement Officials.

The recent audits by the VA's Office of the Inspector General of the Security Service at VA hospitals point out and confirm the glaring deficiencies in the personnel management of the VA police that our members have been pointing out for years.

The basis for many of the identified problems can be laid at the feet of inadequate pay. Inadequate pay, for VA police, in turn, reflects the overall crisis in federal pay. We strongly and unequivocally urge that this Committee communicate its support for overall pay reform to "fix," in an across the board nature, the pervasive recruitment and retention problems endemic to all agencies.

The compensation problems of the VA police are plagued by two aggravating factors:

First, the classification of beginning VA police at a GS-5 level is not commensurate with their job duties. The VA police are responsible for protecting persons and property on and in buildings under VA jurisdiction. Their jobs include enforcing federal laws, maintaining order, and providing close support to the VA staff during emergencies. They often have contact with

mentally ill patients and patients with substance abuse problems. Their police duties must be carried out with skill and tact with due regard to the medical environment in which they work. Yet, the classification of such officers at a GS-5 severely limits the pool of applicants.

Second, although the VA police are first and foremost law enforcement officers, they are not included in the hazardous duty program for law enforcement personnel in federal retirement. Clearly, the nature of the work of the VA police requires that the employees be relatively young and physically vigorous. This is precisely the standard which must be met to include positions in hazardous duty retirement; yet, the VA police are excluded.

The VA's recruitment and retention problems for their security personnel are undoubtedly primarily due to the under compensation of such positions relative to other police forces in state and local governments as well as other federal police forces.

Other concerns expressed by our members include dissatisfaction with the training program at Little Rock, Arkansas. Most felt that the training provided other federal police officers at the Federal Law Enforcement Training Center in Glynco, Georgia would be superior.

Our VA police members also have criticized the two hundred dollar uniform allowance. This simply is inadequate to keep up a regulation uniform. Actual costs run two to three times that amount.

Finally, we hope the Committee will reexamine the "no firearms" policy for the VA police to determine if certain tasks relating to patrol and transit duties outside the medical buildings would be best accomplished while carrying weapons. I'm sure this Committee has heard many instances where VA police were endangered by armed and dangerous individuals outside the hospital proper.

Finally, it is clear that there has been a failure of management of the VA security forces. Applicants were not properly screened. Training has been insufficient. Operating procedures have not been standardized. Staffing has been insufficient.

In conclusion, we recommend that the Committee act to:

(1) Increase compensation to VA police officers by:

(A) Explicitly including them under hazardous duty retirement.

(B) Increasing their classification to the level of other federal law enforcement personnel.

(C) Remove the uniform allowance cap and make the amount of the allowance a mandatory subject for collective bargaining.

(D) Supporting overall pay reform for federal workers.

(2) Improve training by including the VA police in the Federal Law Enforcement Training at Glynco, Georgia.

(3) Review the ban on weapons for VA police.

(4) Maintain strong oversight on the VA's administration of its security forces.

87-082 0 - 88 - 6

(5) Finally, we are including a legislative proposal from our VA police members in Kansas City. The proposal seeks to standardize the treatment of all federal law enforcement officers. This would go a long way toward solving the problems being examined by the Committee.

Thank you.

A BILL

To adjust the salary and retirement benefits of Police Officers within the Federal Government to provide for proper training for such officers,and other purposes.

Section 1. All Police Officers apointed as such by any agency of the United States Government shall be compensated at the same rate of pay as the members of the United States Secret Service Uniform Division, the head of each agency which employes any such officer shall insure that the officer is placed in a proper pay grade which corresponds to grades applicable to similar positions within the Secret Service Uniform Division.

Section 2. All Police Officers Appointed as such by any agency of the United States Shall be entitled to Law Enforcement Retirement , this shall be acomplished by amending section 8331(20) of Title 5 United States Code,by inserting ", or employed as a Police Officer by any agency of the United States" before the period.

Section 3. The Head to each agency who employ Police Officers shall provide for the training of such Police Officers in such Law Enforcement matters as may be necessary to enable such officers to carry out their official duties. All such officers shall be trained at the Federal Law Enforcement Training Center. The Training course shall not be less than eight weeks,for each officer.

Section 4. Amend Title 18 United States Code by Adding a new section,§ 3063. General Arrest and Law Enforcement Powers On property controlled by the United States. Police Officers of The United States Government Shall while on property owned or leased by the United States Government, have the following Powers.

(A). A Police Officer who has been appointed by an agency of the United States may,

(1) carry a firearm or other weapon assigned,
(2) serve warrants and subpenas issued under the authority of the United States;
(3) Enforce all Federal Laws and Government Regulations while on such government property;
(4) make arrest for violations of such laws and regulations;
(5) enforce State and local laws which apply to such property as outlined in section 13 of this title.

Section 5. An agency shall not change an officer from a Police Officer Position to any other position classification to avoid the payment authorized by this act of congress.

Office of the
Administrator
of Veterans Affairs

Washington DC 20420

Veterans
Administration

AUG 8 1988

Honorable G. V. (Sonny) Montgomery
Chairman, Committee on Veterans'
Affairs
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Enclosed please find the Agency's responses to questions which you forwarded on behalf of Congressmen Bob Stump and Lane Evans for the May 19, 1988, hearing on VA Security Service. Thank you for the opportunity to provide this additional information for the record.

Sincerely,

THOMAS K. TURNAGE
Administrator

Enclosures

cc: Honorable Bob Stump
Honorable Lane Evans

CONGRESSMAN EVANS

Question: 1. Is a record maintained of complaints lodged against VA police officers? How many complaints against VA police officers were lodged last year?

Answer: Complaints lodged against employees at DM&S medical centers, including VA police officers, are handled locally in accordance with Federal rules, policies and procedures for the investigation of employee misconduct and the administration of disciplinary action and appeals. Special records of complaints lodged against VA police officers as a group or of any other specific occupational employee group are not maintained.

There is no centralized information system which would indicate the total number of complaints brought against VA police at all DM&S facilities.

Question: 2. How many current VA police officers have a criminal history or record? Has the record of each current officer been adequately reviewed by the VA? How many records have not been reviewed?

Answer: The three police officers found to have criminal records at two audited medical centers were terminated from employment. Although we are not aware of any other VA police officers having criminal records, actions taken to re-investigate all VA police should reveal any additional cases which may exist.

All DM&S facilities were alerted to a requirement to re-investigate all VA police officers on May 10, 1988. The initiation of re-investigation is pending the completion of labor union consultation obligations.

The results of repeat National Agency Checks and Written Inquiry investigations will be reviewed by a top management official of each employing medical center as received from the OPM Investigations Center. Appropriate action will be taken to remove or reassign VA police officers revealed to have criminal histories.

Question: 3. When a complaint is lodged against a VA police officer, what action is taken by the Veterans Administration in response to the complaint?

Answer: When a complaint is lodged against a VA police officer, the following principles of the Federal Personnel Manual and VA policy governing discipline and adverse actions, and VA Investigation Policy govern:

a. The allegation is investigated by an Investigating Officer or Board appointed by the facility Director.

b. If appropriate, the police officer, as any other Title 5 employee, is informed of the findings of the investigation if action is clearly brought against him or her.

c. The employee is given a fair chance to present his or her side of the case.

d. The employee is afforded the right to representation.

e. If, in the case of a police officer, the substantiated allegation of misconduct or poor performance warrants, a VA police officer's law enforcement authority is suspended and he or she reassigned pending final disciplinary action.

Question: 4. According to the VA Inspector General, DM&S has recently established a task force to evaluate and improve pre-employment screening and to determine the appropriate security classification for police officers. Please provide the Committee with regular periodic reports on the goals, activities and accomplishments of the task force.

Answer: The Working Group referred to convened on May 12, 1988, on the instructions of the Director of Administration. The following objectives charged to the Working Group and achieved were:

a. Following specific technical guidance of the Federal Personnel Manual, determine the sensitivity of the DM&S Security and Law Enforcement Program and that of VA Police Officer positions. The Working Group concluded and certified these sensitivity levels as "Non-Critical/Sensitive."

b. Following specific guidance, determine the commensurate level of suitability investigation required for VA Police Officers. The Group concluded and certified that the level of suitability investigation for VA Police Officer positions is the Minimum Background Investigation (in lieu of the National Agency Check with Written Inquiries).

c. The Group was charged to review the current VA pre-employment screening requirements for VA Police Officer applicants in view of the apparent system failures. The Group recommended that a uniform, structured procedure be developed for use by all facilities to insure complete compliance with requirements and that Security Service implement central oversight of the process.

d. The Director, Security Service, developed a Department directive with the necessary supporting forms and procedures to implement the NBI requirement, structured pre-employment screening and documentation policy, and centralized monitoring. This policy directive is currently in the staff concurrence process.

Question: 5. What is the policy of the VA on police officers carrying firearms?

Answer: It is the policy of the VA that firearms will not be used, issued or stored for security or law enforcement purposes unless specifically authorized by the Chief Medical Director or the Administrator.

CONGRESSMAN EVANS

Question: 6. Please compare the retention rate of VA police officers who receive special pay with the retention rate of those officers who do not.

Answer: There is no systemwide tabulation which contrasts retention rates of facilities with special rates with those without such rates. However, we were able to assess the impact of special salary rates on positions covered by them. Before implementing special salary rates in 31 facilities, the average turnover rate was 44.3%. Afterwards, it decreased to 27.9%, a 16.4% drop. The VA-wide average turnover rate for police officer positions is 22.7%.

Question: 7. Has the VA requested OPM to establish a special standard for VA police officers? Please explain.

Answer: No, the VA has not asked OPM to establish a single agency qualification standard for VA police officers. Under 38 U.S.C. 4105, the VA already has authority to establish qualification standards for these positions. Recently, OPM issued a new, more liberal Police Officer qualification standard. We decided to retain the earlier, more stringent OPM standard while we consider the possible impact of the new standard.

Question: 8. What action can the VA take to make VA police officers eligible for early retirement? Has the VA taken this action? Please explain.

Answer: Under 5 U.S.C. 8331(20), a law enforcement officer is eligible for early retirement under the Civil Service Retirement System (CSRS) if the employee's duties are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including an employee performing these duties who is transferred to supervisory or administrative work. The Office of Personnel Management, formerly the Civil Service Commission (CSC), is responsible for determining whether Federal employees are law enforcement officers under the statute. In 1973, VA asked the CSC to make this determination for our police officer positions. The CSC found them ineligible because their duties involved the protection of Government property and personal property of persons on Federal grounds, and the safety and protection of patients, visitors, and employees of the medical centers against the threat of injury due to criminal acts rather than those described in the statute.

Under 5 U.S.C. 8401(17), a law enforcement officer is eligible for early retirement under the Federal Employees' Retirement System (FERS) if the employee performs duties which are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, or the protection of officials of the United States against threats to personal safety; and are sufficiently rigorous that employment must be limited to young and physically vigorous individuals. Employees transferring directly to supervisory or administrative positions after 10 years performing the above duties also meet the definition. In light of the earlier CSC decision that VA police officers did not meet the CSRS law enforcement officer definition, it appears unlikely that our employees covered by FERS could now meet the new, more stringent FERS definition and be eligible for early retirement.

Question: 9. How frequently do medical center directors review police logs?

Answer: It is common practice for either directors, associate directors, or assistant directors to review the VA Police Operations Journal for the preceding twenty-four hours each morning.

Question: 10. How many VA police officers work undercover? Describe the specialized training these officers have received and the results of their activities.

Answer: VA police officers are only rarely used in an undercover capacity. Most typically, where a medical center has mere suspicion that ongoing criminal activity in occurring and a new police officer is being hired, the center may use this new and unrecognized officer to infiltrate the area of suspected activity solely to observe and report. At most, this use of a VA police officer in an undercover role occurs once a year system-wide. Apart from the subject of medical centers' use of VA police in undercover roles, members of the DM&S Security Service staff, e.g., Regional Security Officers, are used as needed in undercover roles.

Regional Security Officers have diverse backgrounds and training with other Federal or municipal law enforcement departments. Additionally, they have an extensive knowledge of the internal operations and vulnerabilities of our medical centers. Their formal training includes attendance at Drug Enforcement Administration courses in drug investigations and at the National Intelligence School course in surveillance techniques. They undergo FBI firearm qualification training annually. While detailed to assist medical centers experiencing illegal drug, theft or misconduct problems from January 1984 to the present, the following typical results were achieved:

a. The apprehension of two persons for multiple offenses of explosives, weapons and drug introduction at VAMC Milwaukee.

b. The detection, documentation and reporting of ineffective police loss prevention operations at VAMC San Juan, Puerto Rico.

c. The organization and leadership of a tri-jurisdiction task force in Bent County, Colorado, which resulted in the apprehension of a drug producer, and those involved in county-wide drug distribution to include distribution to patients at the VAMC Ft. Lyon, Colorado. (Refer to Attachments A and B).

d. The detection of illegal drug and alcohol sale, possession and use at VAMC Tuskegee, Alabama, resulting in arrests and corrective police deterrence operations.

e. Detection and apprehension operations outlined in Attachment C.

CONGRESSMAN EVANS

Question: 11. During the last two years, how many VA medical centers have experienced a police officer vacancy of three months or less, more than three months but less than six months, or more than six months?

Answer: We do not have VA-wide data on the duration of police officer vacancies. Information from a small sample of medical centers indicates that the duration of police officer vacancies usually ranges from about six to twelve weeks.

Question: 12a. Is the VA currently experiencing any difficulty with either recruiting or retaining highly qualified and suitable individuals as VA police officers?

Answer: We have had difficulty in recruiting and retaining highly qualified police officers in the larger metropolitan areas, such as Dallas, Los Angeles, and New York City, where private sector and State and local government salaries are higher than VA salaries. The VA has approved special salary rates for police officers at 31 medical facilities in communities like these to enhance our ability to compete for police officer candidates and/or retain current staff.

Question: 12b. Has the VA employed any individual as a police officer who was not fully qualified or suitable?

Answer: Recent VA Office of Inspector General (OIG) audit reports involving two medical centers indicated that some individuals who did not meet full qualification requirements or whose backgrounds were unsuitable have been hired.

Question: 12c. How many unqualified or unsuitable individuals has the VA employed as police officers in the last 36 months? Please explain.

Answer: The number of police appointees found to be unqualified or unsuitable is not maintained on a systemwide basis. Although requirements for thorough preemployment screening of qualifications and criminal records are included in agency and departmental policy, and supplemental reminders have been issued, the OIG findings indicate that they have not been fully applied. We are currently reviewing the findings and developing additional screening procedures. Repeat National Agency Checks and Inquiries, which we are now preparing to request, will provide an additional screening of our employees. We hope that this effort will help clarify the extent of the problem. After this screening is completed, we will be able to provide systemwide data.

Question: 13. Are VA police officer salaries and benefits competitive with (a) local government police officers; (b) contract security officers and (c) guards in the private sector?

Answer: Whereas Title 5 U.S.C. General Schedule pay scales, and Federal employee benefits are uniformly effective throughout the fifty states, the pay and benefits paid to police of over 12,000 state, county and municipal jurisdictions vary significantly. Although the GS-5 entry pay level for VA police officers is not intended to be competitive with that of state, county and municipal jurisdictions, a comparison of the GS-5 entry pay was made with the entry pay scales of one hundred cities and townships under 10,000 population. This comparison revealed that the GS-5 entry pay exceeded the police entry pay of 37% those jurisdictions. As with the pay levels of local government police departments, the pay rates of contract security officers and private sector guards vary significantly with location and the duties prescribed by the contracting agencies or employers. In the recruitment of VA police officers, facilities compete with neither the pay and benefits of local police agencies nor contract and private sector guards. The direct competition is with special police, i.e., those with limited jurisdiction law enforcement powers, employed by medical, educational and other like campus institutions which require a self-protection and law enforcement force.

CONGRESSMAN EVANS

Question: 14a. The annual turnover of VA police officers has been reduced from 33% reported in 1981 to approximately 23% today. What factors are responsible for this reduction in turnover?

Answer: In 1981, some police officer positions were upgraded from GS-4 to GS-5. In 1984, a statutory increase in police uniform allowances also helped to provide a more competitive edge in recruitment and retention. Legislation passed in 1986 authorized special salary rates for police officers which are now in effect at 31 VA facilities in areas where non-Federal salaries are higher than VA salaries.

Question: 14b. Is there a retention goal for VA police officers? What is this goal and how does the agency plan to achieve it?

Answer: It is difficult to establish a precise retention goal because some turnover is unavoidable (e.g., retirements, deaths, disabilities) and subject to variation. However, a goal of 10% to 15% seems desirable. To achieve this goal a variety of measures will be necessary such as special salary rates where appropriate, training, supervisory development, improved supervisory/employee communication, and application of new classification standards.

Question: 15a. How many VA police officers are receiving a pension, annuity or similiar compensation based on prior employment?

Answer: This information is not maintained in the Agency.

Question: 15b. Under what conditions may VA police officers hold second jobs?

Answer: VA police officers may hold second jobs so long as the jobs are compatible with full and proper discharge of their Government duties; do not impair their mental and physical capacity to perform the duties of their Government positions; and do not result in or create the appearance of a conflict of interest.

Question: 15c. How many have second jobs?

Answer: The number of police officers who have second jobs is not maintained in the Agency.

Question: 16. Is the police officer training provided by the Veterans Administration better, worse or about the same as training provided by the Federal Law Enforcement Training Center?

Answer: The training provided by the VA is highly job-specific and wholly relevant to security and law enforcement activities in a health care environment. The FLETC police course is a comprehensive basic police occupation qualifying course. The major difference between the FLETC course and the VA course is that the FLETC basic police course teaches basic law enforcement concepts needed by new officers and provides new officers with the knowledge and skills necessary to perform at the entry level. The VA police officer course is designed to provide a transition orientation of already experienced or educated police officers to the job requirements of the VA.

Question: 17. Has use of the Federal Law Enforcement Training Center for training of VA police officers been considered? Why are VA police officers not trained at the Federal Law Enforcement Training Center?

Answer: Yes. The FLETC facility was visited and contacted several times for discussions and information.

The basic police training provided at the FLETC facility includes sizeable blocks of instruction which are extraneous to the VA's needs and other blocks of instruction which the VA feels are not required for effective law enforcement of the level experienced. A few examples are the FLETC course inclusion of thirty-two hours of firearm training, twenty-six hours of police driving including highway patrol and skid control (VA jurisdictional limits prohibit "hot pursuits" and vehicle chases), and fifteen hours of administrative time. Further, the VA concept of legal training differs from the FLETC concept which devotes considerable time to case law studies and constitutional interpretations. The VA approach to decision making in searches, for example, is to set out clear conditions wherein searches are permissible and to avoid burdening police officers with legal case law studies from which these conditions evolved. In addition to the basic differences in purposes, content and concepts between the VA police course and the FLETC course, the annual real cost of FLETC training of four hundred police per year would be $2.03 million versus a current cost of $290 thousand. The much higher cost of the FLETC training would principally result from personnel overtime costs necessarily incurred during prolonged absences of each trainee. Not only does the FLETC basic police course appear excessive to VA needs in both content and cost, using this extended course would significantly reduce each medical center's ability to detail new hires and our overall ability to achieve the objective of centralized training of new hires within their first ninety days of employment. Lastly, the VA police training course must be responsive to medical center needs. We are unaware of any VA police officer task which is not being performed effectively due to a void in training. Detractors of the VA Police School and proponents of the FLETC training who have testified before the subcommittee share the following in common:

a. None has monitored a single hour of the VA Police School instruction.

b. None has requested, reviewed and commented on a single lesson outline.

c. None has commented on the published VA Police School Training Concept and Curriculum.

d. None has identified a single VA police task that is not being effectively performed due to a training course deficiency, and

e. None has reviewed VA trainee end-of-course critiques which are overwhelmingly favorable.

Question: 18. The Veterans Administration police officer training course assumes students have a minimum of two years of law enforcement experience with arrest authority. How is this training adjusted if a police officer does not have this much experience?

Answer: DM&S policy and OPM certification requires the two year level of experience and it is not waiverable. When an applicant is hired and police badges requisitioned, the medical center must certify the applicant's qualifications. If these mechanisms fail and an unqualified police officer reaches the school, he or she must again list qualifications and take a pre-course knowledge examination. No adjustment to training is made for an individual suspected not to be fully qualified or whose rating on the pre-course knowledge examination causes suspicion. If the officer fails the course, he must be removed from the police position on return to his or her medical center.

Question: 19. According to the VA Office of Inspector General, the Federal Bureau of Investigation can provide in-service training to VA police officers in basic law enforcement topics at no cost to the agency. Please describe how this resource is being utilized.

Answer: The FBI is responsive in many locations to requests for annual training visits. This type of support is not available in many locations due to varying and highly fluctuating FBI workloads. Essentially, the FBI training is most helpful as orientations into the operations of local United States District judicial procedures and local coordination procedures. Medical Center Security Chiefs, and not police officers, are required by policy to pursue such local coordination and to maintain liaisons with FBI, U.S. District Court clerks, the VA District Counsel, and local law enforcement agencies.

Question: 20. Is specialized training required for VA police detectives or chiefs? Please describe this training. How many detectives and chiefs have received this training and how many have not? What is the date of the last school for detectives?

Answer: No. VA police officers competitively upgraded to detective positions follow the same polices, procedures and standard program forms in pursuing principally investigative duties as do VA police officers. The distinction is that they do follow-up and pro-active investigations on a full time basis. Normally, the VA police officer competitively selected for a detective position is one who has demonstrated superior knowledge and abilities in conducting routine investigations and in effective reporting. Security Chiefs are similarly selected on a competitive basis. Chiefs must complete locally presented courses in supervisory, administrative, and labor relations subjects.

Question: 21. The VA Inspector General has reported crimes at medical centers are not being adequately investigated. Why are VA police not adequately investigating crimes at medical centers?

Answer: The most common crime reported to VA police is that of property theft. Thefts of government property detected during property inventories may have occurred months prior to the noticed loss. There is little a police investigation can add to the Report of Survey conducted on the lost property when months have passed and facts pertaining to the stolen item are not remembered. Other high dollar losses are privately owned vehicles. Privately owned vehicle thefts can only be reported to police of the surrounding jurisdiction. A Security Chief must make hourly decisions and frequently consult with management on priority use of available resources. It is not uncommon to be required to stop investigating one crime to look into a subsequent occurrence and to have that occurrence overtaken by yet another before a closeout investigation is completed. The Office of Inspector General as well as all primary law enforcement agencies (such as the FBI and the DEA)

routinely decline reported offenses for investigation based on workload and available resources. Throughout the history of the Security and Law Enforcement Program we have seen the Drug Enforcement Administration and the FBI steadily increase their standards for investigative responses to only the very highest of illegal drug activity or government property losses.

Question: 22. What are the responsibilities of VA Regional Security Officers? Please identify some recent accomplishments of Regional Security Officers.

Answer: Four Regional Security Officers are responsible for providing technical advice and assistance to the medical center Security Chiefs in their respective areas. This includes conducting technical assistance visits and formal program evaluations. The Regional Security Officers are also empowered law enforcement officers detailed to conduct investigations of suspected ongoing criminal activities. The RSO's assist the Director, Security Service in completing special projects of benefit to the entire program and assist in the development of physical security design features of new hospital construction.

Some recent Regional Security Officer accomplishments (other than undercover activities included in answer to question 10) are:

a. Preliminary investigation of drug/alcohol infestation, and incorrect police deployment - VAMC Tuskegee, Alabama.

b. Undercover drug/alcohol introduction operation - VAMC Tuskegee, Alabama.

c. Security Survey of VA controlled Federal Supply Depot, Somerville, New Jersey. Twenty-seven recommendations for the comprehensive upgrading of obsolete physical security measures of common VA, DoD and Postal Service stockpiles valued at $35 billion.

d. Development of detailed specifications for comprehensive high tech security systems for new VA hospital under construction in Houston, Texas.

e. Program evaluation - VAMC Houston, Texas, resulting in the relief of the Security Chief and rebuilding of the Security Service.

f. Pro-active investigation of police procurement and off-duty misuse of police badges and firearms based on VA police employment at VAMC San Francisco. Resulting action - Displacement of six officers including the Chief of Service and rebuilding of Security Service to standards.

g. Program evaluations - VAMC's Miami, San Juan, New Orleans, Columbia. Deficiencies formally reported to management for corrective actions.

h. Completion of a comprehensive study and history of linen losses reaching an annual high of $20 million. The development of comprehensive recommendations for multiple actions to reduce losses.

i. Preliminary investigation of drug theft through bogus prescriptions at VAMC Washington, D.C. Case passed to OIG for development.

j. Investigation of drug theft by pharmacy employee - VAMC Butler, Pennsylvania, resulting in termination of employee.

k. Use of RSO as a VA Police School instructor during annual military training detail of a principal instructor.

l. Participation by RSO in fact-finding study of patient arrests at VAMC Coatesville, Pennsylvania.

m. Attendance by RSOs at seven meetings of Medical District Security Chief Councils designed to improve area coordination and cooperation.

n. Investigation of Canteen Service burglary at VAMC Dallas, Texas.

o. Updating of FBI major crime indices per 100 population from the FBI National Crime Information Center statistical base for all 172 VA medical center locations. These indices are used as one factor in judging police strength needs, allocations for costly technical security system procurements and other management decisions.

p. Armed protection detail for medical/psychiatric drug dependence and PTSD treatment team conference with outpatients threatening and deemed capable of taking lives - VAMC Cleveland, Ohio.

q. Investigation of alleged criminal misconduct at VAMC Wilkes-Barre, Pennsylvania. Negative findings referred to OIG for confirming investigation due to continued complaint.

Question: 23. How many VA police officers are there currently? How many current VA police officers have received all required training? Describe the annual in-service training requirement for VA police officers. Last year, how many officers received at least the minimum amount of required in-service training?

Answer: The total number of full time police is 1,984.

A total of 1,860 current police officers completed centralized training.

The outlines for the Phase I - Essential In-service Entry Training Schedule for Newly Appointed Police Officers and the Phase II - Continuing In-service Training Schedule Subject List are provided as Attachment D.

The only part of in-service training required to be formally reported is the completion of weapon certification training. All officers have received this training. Routine incident reporting does not reflect job performance deficiencies attributable to lack of in-service training.

Question: 24. According to the statement submitted by Dr. Winship, "at facilities in areas with greater security and law enforcement activity, the security unit is a service level organization element." What is the security unit at facilities with less law enforcement activity? What is a "service level organizational element" and under whose direct supervision are these security units?

Answer: Security units other than Security Services are called Security Sections. Organizationally, they are an integral part of the Office of the Director.

A "service level organizational element" at a DM&S facility is a major functional unit with full activity, personnel and budgetary management responsibilities. It differs from the designation of "Section" in that a section is part of a parent service or office level organization which is responsible for partial personnel and budgetary planning and management. The direct supervision of both Security Services and Security Sections is delegated to either an Associate or Assistant Director.

GARY R. STORK, DISTRICT ATTORNEY
SIXTEENTH JUDICIAL DISTRICT
OTERO COUNTY COURTHOUSE
P.O. BOX 928
LA JUNTA, COLORADO 81050
(303) 384-8786

December 2, 1987

Mr. James G. Fasone
Director Security Service
Veterans Administration
810 Vermont Ave., N.W.
Washington, D.C. 20420

Re: Maynard Enos

Dear Mr. Fasone:

This letter is being written in the behalf of Maynard Enos, Regional Security Officer for the Veteran's Administration.

We became acquainted with Mr. Enos in April, 1987. Our association involved a major drug trafficking ring in Bent County, Colorado. Through the efforts of this officer, law enforcement officials from the Bent County Sheriff's Office, Las Animas Police Department, and the Colorado Bureau of Investigation were able to apprehend six individuals involved in drug trafficking. The eventual outcome resulted in five defendants pleading guilty to felonies. All of the law enforcement agencies including myself were impressed with Maynard's ability to get a job done.

I was particularly impressed with the dedication shown by your officer. Mr. Enos exemplified to the highest degree the excellent training of your officers. I appreciate the assistance given by your agency. I do hope that we can assist each other in the future.

Thank you again for your assistance.

Sincerely,

GARY R. STORK
District Attorney

GRS/cim

ATTACHMENT A

BENT COU
DEMOCR
Volume 104, No. 28 P.O. Box 467, Las Animas, CO 81054-0467 PS 05050000

$60,000 drug bust results in arrest of five suspects

By Bill McKenzie
Democrat Reporter

A fast-moving squad of state, federal, county and city law enforcement officials Tuesday night and early Wednesday arrested five suspects in a marijuana distribution ring, District Attorney Gary Stork announced Wednesday.

Marijuana with a street value of $60,000, $2,800 cash and two vehicles were seized as evidence. Law enforcement officers also seized 17 weapons.

The $60,000 stash was seized on a search warrant from the home of Cash Hawkins, six miles east of Las Animas, about 3 a.m. Wednesday and Hawkins was taken into custody.

The suspects are Hawkins, 24, of Route 2, Box 170, a farmer; Daniel Freeman, 35, of Grand Junction, a patient at the Fort Lyon VA Medical Center; Michael Bueno, 35, 728 Grand Ave., Las Animas, an employee of the Fort Lyon VA Medical Center; Paul Tafoya, 22, of 30 W. Sixth Street, Las Animas; and Charles Swisher of 2114 Sequoia, Grand Junction, a patient at Fort Lyon VA Medical Center.

They appeared before County Judge Tom Marmon Wednesday for advisement of their rights and setting of bond.

Hawkins' bond was set at $100,000; Freeman's bond was set at $50,000; and Bueno, Tafoya and Swisher's bonds were set at $10,000 each.

They are scheduled to return to court for arraignment on April 27.

Stork said Freeman was advised on tentative charges of sale of controlled substance and sale of marijuana. Hawkins and the others were advised on charges of sale of marijuana and possession of marijuana with intent to sell.

Stork said the investigation and the arrests were a result of cooperative effort between the Colorado Bureau of Investigation, the Bent County Sheriff's Office, Las Animas Police, the District Attorney's Office, the Veterans Administration Police Department and a regional security officer for the Veterans Administration from Washington, D. C.

"With these arrests, we believe we have made a significant interception in the drug traffic between Fort Lyon and the Las Animas community," Stork said.

He said local law enforcement agencies were first advised of the drug traffic by the VA regional security officer. "He contacted Police Chief Norm Roberts and Sheriff Greg Trujillo. We decided an undercover operation was needed. We contacted the Colorado Department of Public Safety, of which the Colorado Bureau of Investigation is a part, requesting assistance.

"We were successful in making buys of illegal drugs in Bent County."

Trujillo said Bueno was arrested in the Thanion[illegible]arket parking lot and Tafoya was arrested behind a gas station at 4th Street and Bent Avenue Tuesday night while making sales. Freeman was arrested on the grounds of the Fort Lyon VA Medical Center.

"We consider it a very successful operation for the short time we took," Stork said. "Normally, when we do an undercover operation, it takes two to three months."

The district attorney said the marijuana is apparently being grown in Bent County, that it isn't being shipped in from elsewhere. He said the investigation is continuing, and more arrests may be forthcoming.

ATTACHMENT B

Undercover operations - 1984-85 at VAMC Montrose, New York, Allen Park, VA Regional Office in New York City, St. Albans NHCU, Cleveland and Washington, D.C.

During this period a total of 101 arrests were made per the following breakdown:

	Employees	Patients	Visitors	Outpatients	Outsiders	Volunteers	
Sale of Controlled Substance	17	14	5	6	4	1	
Possession of Controlled Substance	8	15	4	1	2		
Theft of Government Property	6						
Weapon Possession	1	8					
Conspiracy			1	1			
Possession of Drugs for Sale			2	1			
Possession of Ammunition		1					
Possession of Alcohol	3						
Totals	35	38	12	9	6	1	

ATTACHMENT C

Inservice Training Program Outlines
for
VA Police Officers

6/20/88

PHASE I
ESSENTIAL INSERVICE ENTRY TRAINING SCHEDULE
FOR NEWLY APPOINTED POLICE OFFICERS

_____ Medical Center

_____ Officer's Name

DATE/TIME	SUBJECT	HOURS	REFERENCE	INSTRUCTOR INITIALS
_____/_____	Role of the VA Police Officer (Introduction) and Limits of Jurisdiction	1	Trng. Unit #1 & Video-cassette "Role of the VA Police Officer"	_____
_____/_____	Weapons Policy Review and Completion of VA Form 10-9044	½	Par.15,DM&S Suppl.MP-1	_____
_____/_____	Uniform & Appearance Standards	½	Par.17,DM&S Suppl.MP-1	_____
_____/_____	Review of Medical Center Security Operating Instructions to Include Specific Emphasis On:			
_____/_____	a. Concept of Situational Law Enforcement	½	Trng. Unit #8	_____
_____/_____	b. Arrest Policy & Procedures (General Introduction)	½	Local Procedures & Par. 13d,DM&S Suppl.MP-1	_____
_____/_____	c. Introduction to Rules of Search (include Stop & Question Procedures)	1	Trng. Unit #10 & Video-cassette "Stop & Question"	_____
_____/_____	d. Safeguarding Evidence & Property	½	Par.18,DM&S Suppl.MP-1 & Handbook Reference Binder, Volume 6	_____

DATE/TIME	SUBJECT	HOURS	REFERENCE	INSTRUCTOR INITIALS
___/___/___	e. Response to Assaultive Situations (Introduction)	1	Trng. Unit #7 & Videocassette "VA Police Response to Assaultive Situations"	
___/___/___	f. Preparation of U.S. District Court Violation Notices (VA Regulations 218,219)	1	Trng. Units #5&#6 & Par.13,DM&S Suppl.MP-1	
___/___/___	g. Courtesy Violation Notices	¼	Par.16a,DM&S Suppl.MP-1	
___/___/___	CIP Weapon Certification	3	Trng. Units #3&#4 & Videocassette "CIP Training for VA Police Officers"	
___/___/___	Use of the Baton (where authorized)	1	Trng. Unit #12	
___/___/___	OJT Familiarization With Critical Response Area Locations (Pharmacy, Agent Cashier, Admissions, Canteen, etc.) and Patrol Tours	4	Local Policies & Procedures	
___/___/___	Report Writing and Notetaking (Introduction)	1	Trng. Unit #9	
	Total Training Hours =	15¼		

Notes:

1/ Security Service/Section Chiefs should attach a copy of this schedule to a completed Training Course Record, VA Form 5-3913, to be maintained as a permanent record of the officer's training.

2/ Increments of time listed are minimum amounts necessary for initial instruction in listed subjects.

PHASE II
CONTINUING INSERVICE TRAINING SCHEDULE
SUBJECT LIST

_____ Medical Center

_____ Officer's Name

DATE/TIME	SUBJECT	HOURS	REFERENCES	INSTRUCTOR INITIALS
____/____	Medical Center Organization	½	Local Publications	
____/____	Role of the VA Police Officer (Reinforcement)	1	Trng. Unit #1 & Video-cassette "Role of the VA Police Officer"	
____/____	Performance Standards	1	Local Standards	
____/____	Arrest Policy and Procedures	1	Local Procedures & Par.13d, DM&S Suppl.MP-1,Part I	
____/____	Rules of Search - Wards & Persons	1	Par.13h,DM&S Suppl.MP-1, Part I	
____/____	Safeguarding Evidence & Property	½	Par.18,DM&S Suppl.MP-1, Part I & Handbook Reference Binder, Volume 6	
____/____	Preparation of U.S. District Court Violation Notices (VA Regulations 218,219 & Title 18,U.S.C.)	1	Trng. Units #5&#6,Title 18, U.S.C. & Par.13g,DM&S Suppl. MP-1,Part I	
____/____	Use of the baton (where authorized)	2	Trng. Unit #12	
____/____	Report Writing and Journal Completion	½	Trng. Unit #9	

DATE/TIME	SUBJECT	HOURS	REFERENCES	INSTRUCTOR INITIALS
_____/_____	Unarmed Defense	1	Trng. Unit #4	
_____/_____	Situational Law Enforcement (Reinforcement)	½	Trng. Unit #8	
_____/_____	Investigation Policy and Procedures	2	Par.14b,DM&S Suppl.MP-1, Part I, & Trng. Units #9, #10,#13,#14. Add *	
_____/_____	Confidentiality of Patient Records and Information	½	Par.14b,DM&S Suppl.MP-1, Part I	
_____/_____	Interview & Interrogation Techniques	1	Trng. Unit #13	
_____/_____	Investigation of Unlawful Drug Activity	1	Trng. Unit #14	
_____/_____	Use of Program Forms & Publications	½	DM&S Suppl.MP-1,Part I, App.C	
_____/_____	Patrol Observation & Duties	1	Par.12,DM&S Suppl.MP-1, Part I, Local Operating Instructions	
_____/_____	Courtroom Preparation	2	Observation of Actual Courtroom Procedure, Local Policies & Procedures	
_____/_____	Ethics & Code of Conduct	½	Locally Available Resources	
_____/_____	Classification of Federal Crimes	½	Trng. Unit #5 & Title 18, U.S.C.	

* Use 3 part Videocassette series "Investigations and Report Writing."

DATE/TIME	SUBJECT	HOURS	REFERENCES	INSTRUCTOR INITIALS
_____/_____	Physical Security Standards	½	App.B,DM&S Suppl.MP-1,Part I	_____
_____/_____	Alarm, Bomb Threat, and Emergency Responses	1	Local Policy & Procedures	_____
_____/_____	Agreements and Relations With Local Police and Court Agencies	½	Local References	_____
_____/_____	Traffic Accident Investigation	½	DM&S Suppl.MP-1,Part 3	_____
_____/_____	Emergency Elevator Operation	½	Local Policies & Procedures	_____
_____/_____	Security Surveillance (SSTV) Operations	½	Local Policies & Procedures	_____
_____/_____	Other Local Training As Necessary	--		
_____/_____	Cardiopulmonary Resuscitation (session scheduling req'd.)	--	American Basic Life Support Course	_____

CONGRESSMAN STUMP

Question: 1. How does VA expect the new OPM qualification standards to affect VA police officers?

Answer: When the Office of Personnel Management (OPM) issued the new, more liberal Police Officer qualification standard, we formally retained, under authority of 38 U.S.C. 4105, the provisions of the earlier, more stringent OPM standard for VA Police Officer positions. After thorough consideration of the possible impact of OPM's new standard, a decision will be made about its approval for VA use.

Question: 2. Please provide for the record a list of the 31 locations where police officers receive special pay and the amount for each location.

Answer: The requested list is provided as Attachment A.

Question: 3. Should VA contract out security at medical centers?

Answer: The contracting for Security and Law Enforcement services at VA medical centers is precluded by two factors:

a. Title 38, U.S.C. Section 218 is a specific statutory requirement to enforce Federal laws on VA lands using employees who are VA police officers. Legislative authority to vest Federal law enforcement powers in non-government contract personnel does not exist.

b. VA police are emergency members of the patient care team - a category exempt from privatization.

Question: 4. Should VA use the Federal protective Service either in whole or in combination with security guards?

Answer: The Federal Protective Service is an element of the General Services Administration which has security responsibility by statute (41 U.S.C.) solely over buildings and lands under its charge and control. Buildings and lands under the charge and control of the VA are, specifically by statute, the security responsibility of the VA. The Federal Protective Service is a building security oriented organization subject to the exact same grade classification and pay levels of the VA.

Question: 5. Please describe the grade structure in the security service from top to bottom and the career progression opportunities it offers.

Answer: The grade structure of the VA police employed under the DM&S Security and Law Enforcement Program is:

Grade	Number	Title
GS-12	4	Supervisory Police Officer
GS-11	19	" " "
GS-10	31	" " "
GS-9	63	" " "
GS-8	49	" " "/Detective
GS-7	117	" " "
GS-6	228	" " "
GS-5	1,406	Police Officer
GS-4	72	Police Officer
GS-3	1	Trainee
GS-2	1	Trainee

Career progression opportunities at medical centers vary according to the sizes of their security units. An individual police officer with mobility can compete for higher grade vacancies announced region-wide or nationwide by other medical centers. Officers desiring to compete for service chief positions register under the VA's Centralized Staffing System and compete with peers nationwide for those positions.

Question: 6. Whom is the VA Police Chief at a medical facility responsible to?

Answer: Chiefs of Security Sections or Services are responsible to heads of facilities (38 CFR 1.218 (c)(1)).

Question: 7. How much is the current uniform allowance and is it sufficient?

Answer: Title 38 U.S.C. Section 218 (c) authorizes a police initial uniform purchase allowance of $400 and an ongoing annual allowance of $200 for the replacement of worn-out items. Weapons, related equipment and climatic/safety wear items are government furnished. The statutory uniform allowance and government furnished equipment provision is deemed sufficient.

Question: 8. What three cases are you referring to on page 3 of your testimony regarding prohibited personnel practices?

Answer: The three cases referred to those alleging prohibited personnel practices by former Security Chiefs at VA Medical Centers in Palo Alto, California; Allen Park, Michigan; and, Cincinnati, Ohio.

Question: 9. You say that after 3 months of employment, VA police go to the 2 week police course. Is the first 3 months an on-the-job training situation? Why not train them first in school?

Answer: Department policy requires that newly hired police successfully undergo the two week training course within their first ninety days of employment. During a new hire's first three months, the employing facility is required to provide essential entry level instruction and on-the-job orientation to the medical facility's operations, procedures and practices.

The complex administrative, logistical and travel requirements involved with the continuous scheduling of trainee candidates nominated by 172 facilities precludes training new employees immediately after their hiring. Also, the effectiveness of the training course would be diminished if presented to trainees who were totally unfamiliar with the physical and activity environment of a medical center and its organization and operation.

Question: 10. Are there standard in-service training requirements for the first 3 months?

Answer: Yes. Medical Centers are provided with an outline of essential in-service entry training subjects and appropriate training materials.

Question: 11. Why doesn't the VA use the federal police training in Georgia?

Answer: Police training provided by the Federal Law Enforcement Training Center in Georgia is designed for new police officers hired by Federal agencies for entry level positions. The training closely resembles basic police recruit training which is excessive to VA needs.

Question: 12. Please compare the police training school in Georgia to the one at Little Rock?

Answer: The Federal Law Enforcement Training Center's general police course is eight weeks in length and was initially developed for new police of the Executive Protective Service of the U.S. Secret Service. It provides extensive training in such subjects as firearms, police driving techniques, case law and others which are excessive to VA's needs. The FLETC facility is located on the grounds of the former Glynco Naval Station near Brunswick, Georgia. The VA Police School is a completely self-contained instructional housing unit on the grounds of the North Little Rock Division of the VAMC Little Rock, Arkansas. Training is concentrated on situational enforcement of Federal laws and the Code of Federal Regulations which emanate from the 38 U.S.C. 218 requirement to establish and enforce rules for the maintenance of law and order, and the protection of persons and property on lands under the VA's charge and control. The course also emphasizes the preparation of VA police for situations involving patients as required by 38 U.S.C. 218.

Question: 13. Why has the turnover rate dropped from 35% to 22.7% since 1981?

Answer: In 1981, DM&S approved the establishment of security units as full service level organizational elements and their total removal from medical centers' Engineering services. This measure was well received by police for various reasons. Primarily, those police who were interested in a VA police officer career saw the change as installing unit integrity and that improvements would follow. In 1982, the GS-5 grade level was accepted by OPM and VA classification authorities on the basis of crime deterrence and prevention responsibilities. This was followed by the passage of P.L. 98-528 which afforded VA police a three-fold increase in uniform allowance and the provision of special salary rates where applicable. These major events are believed contributory to the lowered turnover rate.

Question: 14. Would it be practical to give more police school training at Little Rock to those newly hired police who are stationed at the more difficult hospitals and less or no school training for police at hospitals where few difficulties are encountered?

Answer: All police, regardless of their places of employment, must possess the same basic law enforcement knowledge and skills represented by their agency-issued badge and authority. Basic agency law enforcement training is not discretionary. Title 38 U.S.C. 218 requires VA consultation on all matters of law enforcement with the Attorney General. The standards of that Office require the VA to assure that statutory law enforcement authority is exercised responsibly with proper internal safeguards. It would not be practical to vary the basic training and standards applicable to all police officers.

Question: 15. Are VA detectives with no training being used in criminal matters? If so, how is this situation being addressed?

Answer: Yes. However, by virtue of the training and experience qualifications underlying their selection to detective positions, they are used to investigate the scope of criminal matters outlined by the OPM standard for the detective position.

Appointed detectives are qualified to conduct the level of criminal investigation prescribed.

Question: 16. Please comment on the legal implications of any VA policeman negotiating employee resignations as noted at pp 4-5 of the Office of Special Counsel's testimony.

Answer: VA police do not have the authority to negotiate the resignation of employees under investigation or to withhold reporting criminal investigation results and allegations to appropriate authorities. The responsibility for taking administrative action against VA employees for violations of law or regulation rests with the officials who supervise them as set forth in VA Manual MP-5, Part I, Chapter 752 and Part II, Chapter 8, and the DM&S Supplements thereto. VA police have no authority to take action under those provisions except as provided for their own employees. Clearly, therefore, they have no authority to negate possible action against employees over whom they have no supervisory authority.

There are numerous reporting requirements concerning criminal behavior which must be followed. Allegations of criminal conduct involving programs and operations of the VA must be referred to the VA Inspector General. 38 C.F.R. 14.560(a). The results of preliminary investigations by VA policy of serious criminal offenses must be reported to the facility director. VA Manual DM&S Supplement, MP-1, Part I, Chapter 2. Allegations of crime against person or property must be referred by District Counsel to the U.S. Attorney, FBI, or local law enforcement. 38 C.F.R. 14.560(a). Information, allegations or complaints pertaining to violation of Federal criminal laws must be referred by the head of the Agency to the Attorney General. 28 U.S.C. 535(b). These reporting requirements are not waivable by VA Police Chiefs as part of negotiating a resignation by an employee or in any other context.

Question: 17. What specific actions have been taken to correct the conditions reported by the IG audits at New Orleans and Oklahoma City?

Answer: VA police officers revealed to have criminal records have resigned or been removed. Both these medical centers have instituted measures to fully comply with policy requiring the verification of police position applicants' qualifications and suitability. In addition, both medical centers are now in compliance with required investigatory and reports maintenance procedures as well as the proper processing of U.S. District Court Violation Notices. The Chiefs of the audited facilities have established the prescribed in-service training programs.

Question: 18. The IG says management has established a task force to evaluate and improve pre-employment screening and other matters related to the security service. Who is on the task force, will its findings and recommendations be provided to this subcommittee and when are they extended?

Answer: The Work Group which convened May 12, 1988, was comprised of an Associate Medical Center Director, two Medical Center Personnel Service Chiefs, one Medical Center Security Chief, a Regional Security Officer, and three Central Office Personnel Staff Officers. The findings and recommendations of the Work Group and the corrective actions underway by DM&S are reported to Congressman Evans in response to his post-hearing questions.

DM&S Facilities with Special Salary Rates
for Police Officers as of March 31, 1988

	Facility	Step 1 Salary Authorized GS-4	GS-5
CA	Livermore	$15,900	$16,798
CA	Long Beach	16,342	17,292
CA	Los Angeles OPC	16,342	17,292
CA	Martinez	15,900	16,798
CA	Palo Alto	15,900	16,798
CA	San Diego	15,016	16,798
CA	San Francisco	15,900	16,798
CA	Sepulveda	16,342	17,292
CA	West Los Angeles	16,342	17,292
CT	West Haven	15,016	16,304
DC	Washington	16,342	17,786
FL	Miami	17,226	17,786
IL	Chicago (Lakeside)	15,900	17,786
IL	Chicago (Westside)	15,900	17,786
IL	Hines	15,900	17,786
IL	North Chicago	15,900	17,786
MA	Bedford	17,226	18,280
MA	Boston	17,226	18,280
MA	Boston OPC	17,226	18,280
MN	Minneapolis	16,723	17,750
NJ	East Orange	14,149	15,350
NJ	Lyons	16,784	17,786
NY	Bronx	14,578	16,310

ATTACHMENT A

NY	Brooklyn	15,900	16,798
NY	New York City	15,900	16,798
NY	Northport	16,723	18,710
OH	Cincinnati	14,578	15,830
OH	Cleveland	17,113	18,142
PA	Pittsburgh (Highland Drive)	15,458	16,304
PA	Pittsburgh (University Drive)	15,458	16,304
TX	Dallas	15,900	16,798

OFFICE OF THE SPECIAL COUNSEL
U.S. Merit Systems Protection Board

1120 Vermont Avenue, N.W. Suite 1100
Washington, D.C. 20005

March 31, 1988

Mr. John M. Berter
185 Church Street
Cincinnati, Ohio 45217

Re: OSC File No. 10-6-00991

Dear Mr. Berter:

This is to advise you that the Office of the Special Counsel (OSC) has concluded its investigation of your prohibited personnel practice complaint. Your complaint was based on assertions that supervisors Daniel R. Wilson and Kenneth R. Johnson took a series of personnel actions against you, culminating in your removal, in reprisal for your disclosures of brutality at the Cincinnati Veterans Administration Medical Center (VAMC). These brutality charges were brought to light by way of anonymous letters, issued on or about November 10, 1985, and by disclosures to the Federal Bureau of Investigation (FBI), beginning in February 1986.

Because of the seriousness of your charges, OSC committed a sizeable portion of its resources to this investigation. In addition to examining thousands of pages of documents and conducting numerous interviews, OSC reviewed information obtained by the FBI during its 1986 investigation of alleged police brutality at the Cincinnati VAMC. On consideration of this extensive investigative record, which includes information submitted by you and your legal representatives, we are, for reasons explained below, unable to seek corrective action on your behalf.

A. Disclosures of Brutality

To establish a prima facie violation of 5 U.S.C. § 2302(b)(8), OSC must prove before the Merit Systems Protection Board (MSPB or Board) that, among other things, an employee engaged in protected activity. A disclosure is protected if the person making the disclosure "reasonably believes" that the information disclosed evidences a specified type of impropriety. Special Counsel v. Hoban, 24 MSPR 154, 160 (1984). The standard for evaluating the reasonableness of a disclosure is an objective one: would a reasonable person in the employee's position believe that the information

evidences an impropriety identified under 5 U.S.C. § 2302(b)(8). Hoban, 24 MSPR at 160. The information need not establish the impropriety, and whether the information disclosed is true in every detail is not material so long as the disclosure passes scrutiny for reasonableness. Conversely, a disclosure which is untruthful or grossly exaggerated is unreasonable and, therefore, unprotected under law. See S. Rep. No. 969, 95th Cong., 2d Sess. 22 (1978) reprinted in 2 House Comm. on Post Office & Civil Serv., 96th Cong., 1st Sess., Legislative History of the Civil Service Reform Act of 1978, at 1486 (Comm. Print 1979)("[a]n employee should not be protected, however, for making a disclosure which he knows to be false"); see also Barnes v. Department of the Army, 22 MSPR 243 (1984), aff'd sub nom. Barnes v. Small, No. 86-5563 (D.C. Cir. March 8, 1988); cf. 18 U.S.C. § 1001.

Viewed in its totality, the evidence raises serious doubt that the MSPB would conclude that you had a reasonable belief that Wilson or Johnson engaged in brutality. With respect to the anonymous letter which you drafted and disseminated on or about November 10, 1985, you have admitted authorship of the attached handwritten letter, now known to be fictitious. The fact that from the outset, you fabricated an account, allegedly from a veteran who had been "beat up real bad," in order to give the anonymous allegations credence (and presumably, to generate public outrage or concern regarding an inherently inflammatory subject - police brutality), would serve to undercut your overall credibility. Belatedly, in September 1987, you told us that this disclosure, sent to the media, FBI, various agencies and organizations, as well as to Congressmen, was invented. Given this admission, it is most unlikely that the Board would find that the handwritten letter was a protected disclosure. The fabricated handwritten letter also raises questions about the credibility of the attached typewritten letter, which also set forth allegations of brutality.

Adding to OSC's evidentiary burden, there are significant inconsistencies and deviations in your various statements to the FBI, OSC, Government Accountability Project (GAP) and Congress. Your successive statements became more embellished and exaggerated over time. Additionally, there are significant variations in the accounts provided by the other officers who, along with you, made disclosures. Some of their statements also became exaggerated over time. While the accounts of the various witnesses need not be identical in order to be believable, the dissimilarities in this case are substantial and material. Interviews with other police officers and hospital staff failed to corroborate your allegations. Moreover, the statements of the alleged victims do not confirm the charges of physical abuse and brutality, or alternatively, do not correspond to the accounts offered by the complaining police officers. The criminal and psychiatric histories of the alleged victims, some of whom engaged in violent behavior or are otherwise incompetent or unavailable to testify, further compounds the difficulty of ultimately proving the reasonableness of the brutality disclosures.

In order to prove your allegations, OSC would have to convince the Board that victims screamed in pain and yelled repeatedly when they were beaten in the VAMC Watch Office. OSC's investigation revealed that the Watch Office is adjacent to the Patient Evaluation Area, a very busy location where visitors, patients and hospital staff congregate. Yet, evidently, no visitor, patient or medical employee overheard or witnessed the purported acts of brutality - though all or most of the incidents allegedly occurred during daytime hours. Contemporaneous VAMC journals and offense reports are inconsistent in material ways with subsequent accounts of brutality in three matters. Regarding two of the incidents, neither you nor Officer Wallace ever indicated that the transients required or were given medical treatment, though Wilson (who has a stocky build) allegedly stood on and kicked at their testicles and groin area for prolonged periods of time. When asked by OSC investigators to reenact some of the more egregious acts, you were unable to do so. Finally, the record does not establish a persuasive reason why you and other purported witnesses remained silent for as long as eight or nine months before making disclosures, regarding alleged brutality against four of the individuals that you named.

While the evidence suggests that Wilson engaged in some verbal abuse, this and similar forms of intemperate behavior were, at best, peripheral subjects occasionally raised by you. As reflected in your fictitious letter (from a veteran "beat up real bad") and your various communications with the FBI, OSC, GAP, VAMC, media and Congress, your allegations of egregious brutality were presented and construed as the primary and constant focal point of your disclosure activity. For example, in testimony submitted to Congress approximately eight months after you stopped working at the VAMC, you commented, without explanation, that "[t]he same brutal conduct that we reported over a year ago continues to go on." (Emphasis added). In a Board proceeding, we would be hard pressed to rebut arguments that your brutality accusations, in essence, were either completely contrived, or grossly distorted versions of real confrontations.

B. Performance Deficiencies

In light of the problems outlined above, there is substantial doubt that the Board would conclude that your disclosures constituted protected activity as contemplated under 5 U.S.C. § 2302(b)(8). However, even were this threshold evidentiary problem surmountable, it is unlikely that we would be able to overcome what appears to be convincing evidence supporting criticisms of your performance and conduct, which ultimately became the bases for your removal in February 1987.

As for management's criticisms of your performance, review of written work product completed before and during the performance improvement per-

iod (PIP) shows that, on average, you committed more errors than your colleagues. Typically, your journal entries failed to identify responding officers; failed to provide meaningful narratives; failed to identify the outcomes of incidents; omitted statistics; left obvious grammar, misspelling and typographical errors uncorrected (e.g., "neclear medicine," "delieverly," "Laundery Truch raaived," "saeling watchs," "John M. Bertre," "Subjest," "Teysed"). These obvious problems in your written work are also reflected in some of the offense reports and voided District Court Violation Notices (DCVNs).

Despite your denials, it would be difficult to rebut the testimony of VA witnesses that you were verbally counseled in 1985, before Wilson became aware of the anonymous letter. Wilson's dyslexia inquiry initiated on your behalf in the early autumn 1985, also suggests that concerns about your writing were raised before and, therefore, independently of your disclosure activity.

These factors, considered with pre-disclosure writing directives issued by Wilson, establish a credible basis for a nonretaliatory performance-related action against you. By late 1985, all supervisors, including Johnson, were under pressure to confront employees resistant to improving various police reports. The errors contained in your written work at the end of 1985 through 1986, would be strong support for the VA's contention that you were a deserving subject for such criticism.

Whereas the PIP was ordered a few weeks after Wilson and Johnson became aware of your involvement in the FBI's investigation at the VAMC, the record does not establish that during 1986, Johnson or Wilson knew of the specific brutality charges made against them. Their only frame of reference in 1986 would have been the unexplained, bare-bones charges set forth in the November 1985 anonymous letter (which did not implicate Johnson) and occasional, non-specific media reports (which surfaced after Helm and Johnson signed your less-than-satisfactory appraisal, on March 14, 1986).

Review of your journal entries, DCVNs and offense reports produced during the PIP revealed the kind of numerous writing deficiencies which prompted previous counseling, in January 1986, and the March performance rating. Journal entries contained: wrong or misspelled names and addresses; obvious, uncorrected spelling/typographical/grammatical errors; and incomplete narratives. At least six of your DCVNs were voided for, e.g., containing incorrect names and coding. One offense report failed to indicate that you investigated the underlying incident; when directed to make the report more complete and to correct misspelling, you submitted a new version containing additional errors. Two other offense reports contained incorrect dates.

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Some of these writing problems were identified in counseling memoranda issued to you by Johnson during the PIP. On May 8, 1986, Johnson's memorandum identified a DCVN name-misspelling and noted:

> "It is imperative that the correct name and license number be placed on all tickets that are issued. Please take your time! Have the dispatcher spell out any names, addresses, cities and states that you are not familiar with. If you need assistance, feel free to ask."

Beginning in late April 1986, you attended six or seven training sessions in connection with the PIP. A memorandum documented matters discussed during each session. The memoranda indicated that management offered and you declined additional assistance regarding matters relevant to improving performance. Typically, management's memoranda, co-signed by you, stated the following:

> "I advised Officer Berter that if he required additional time to complete the required reports, tickets, etc., I would arrange for him to have the undisturbed time he needs. Again, I reiterated to Officer Berter the necessity for accuracy and detail.
>
> I asked Officer Berter if he had any questions or comments on the topics covered in the training/improvement session or the discussion on the errors and the assistance I offered him. He did not."

The VA would be able to show that though you were given counseling and offered assistance, your written work showed no apparent improvement. As a consequence, on August 5, 1986, Johnson informed you that your writing performance during the PIP was unsatisfactory; Johnson also identified inaccuracies, errors and incomplete entries contained in the journals, DCVNs and offense reports.

On August 20, 1986, Wilson issued to you a notice of proposed removal for unacceptable performance, i.e., for failing "Technical Reports, Forms and Documents" during the PIP. Wilson restated the specific writing problems identified by Johnson in the August 5th letter. These writing deficiencies were later incorporated into Wilson's revised notice of proposed removal which was issued on December 30, 1986, and predicated on PIP/performance problems as well as absence without leave (AWOL) and related insubordination charges. VAMC management officials Sabin and Ziegenhorn adopted Wilson's proposal; in turn, your removal was ordered, pursuant to 5 U.S.C. Chapter 75, effective February 20, 1987.

While there is some basis to argue that the three-error rule, invoked in connection with your appraisal and PIP, was unrealistic and, therefore, in violation of 5 U.S.C. § 4302(b)(1), there is insufficient evidence to prove that this performance standard was applied against you because of your disclosures. The performance standard was implemented by Wilson shortly after he arrived at the Cincinnati VAMC, months before any disclosures of alleged brutality were made. As noted above, the record shows that you had a very noticeable writing problem. Your entries - which were routinely shorter than those made by, e.g., Johnson or Bennett - contained, on average, far more errors than entries made by colleagues. Management could show that efforts to deal with such a problem, by office directives and verbal counseling, failed. Consequently, management attempted to address the matter through progressive discipline, i.e., written counseling, a performance rating and a PIP. To accomplish this, management applied the three-error rule against you, though the rule was not strictly enforced against others who exceeded the error limit, albeit by smaller margins.

The PIP provided you with an opportunity to have the March appraisal amended in your favor, yet we would be unable to show that your performance improved. The evidence showed that management repeatedly offered assistance and urged you to take your time in filling out documents. Nevertheless, the VA could produce evidence that you continued to make unnecessary errors in various police reports, thereby failing the PIP resoundingly. Management again invoked the three-error rule as a means of initiating a performance removal. Removal was the last phase of a performance review which predated the anonymous letter.

Based on all of these considerations, it is highly questionable whether OSC could ultimately satisfy the requisite "significant factor" test in this instance, even were we able to overcome the problems of proving that your brutality allegations were based on reasonable belief. See generally Robert J. Frazier, Jr., 1 MSPB 159 (1979), aff'd, 672 F.2d 150 (D.C. Cir. 1982). Notwithstanding Wilson's occasional expressions of anger regarding the anonymous letter and the FBI/media probe, the VA could produce strong evidence that you continued to commit a multitude of unnecessary errors in various police records and that management's performance-related removal action under Chapter 75 promoted the efficiency of the service and was nonretaliatory. The VAMC's decision to remove you pursuant to Chapter 75 otherwise undercuts the argument that because the three-error standard was inconsistent with 5 U.S.C. § 4302(b)(1) and might not support a Chapter 43 discharge, management acted inappropriately. See generally Lovshin v. Department of Navy, 767 F.2d 826, 844 (Fed. Cir. 1985), cert. denied, 106 S. Ct. 1523 (1986)(where an agency elects to rely on Chapter 75 procedures to contend with performance-related problems, it is not bound by Chapter 43 requirements); Archuleta v. Department of Agriculture, 34 MSPR 22, 25 n.3 (1987)(though Lovshin held that "an agency could not use Chap-

ter 75 to discipline an employee whose performance 'is governed by and meets' his critical elements, the sustained charges here far exceeded the allowed margin of error . . . in appellant's standards"); Fairall v. Veterans Administration, 33 MSPR 33, 43-45 (1987)(an employee subject to a performance-based adverse action under Chapter 75 has no statutory right to a performance improvement period required in a Chapter 43 proceeding; under such circumstances, an agency's failure to provide a performance improvement period is relevant only to a consideration of the propriety of the penalty); accord Wilson v. HHS, 770 F.2d 1048, 1054-55 (Fed. Cir. 1985) (whereas the "establishment of valid performance standards is an important substantive right under Chapter 43 . . . [t]here is no comparable provision requiring the establishment of valid performance standards for long-term measurement of performance under Chapter 75"). However, even if the MSPB were persuaded to find that management's performance-related action under Chapter 75 was flawed and that Wilson engaged in a campaign of selective enforcement because of the disclosures, OSC would still face the AWOL problem.

C. AWOL Charge

When, as in the present instance, disciplinary action is based on a charge of AWOL (and a related insubordination charge, i.e., refusal to report for duty) following a denial of leave, the circumstances of the denial will be reviewed to determine if the denial of leave was reasonable. Wells v. HHS, 29 MSPR 346, 348 (1985). Generally, an agency has the burden of proving that its decision to charge an employee with AWOL (and the propriety of a decision to deny leave) is supported by a preponderance of the evidence.

An agency must grant accrued sick leave when an employee is incapacitated for the performance of duties by, inter alia, sickness or illness. 5 C.F.R. § 630.401(b); see also FPM Letter 630-29 (Jan. 28, 1981). Regarding an absence in excess of three work days, an agency may require a medical certificate, or other administratively acceptable evidence as to the reason for the absence. 5 C.F.R. § 630.403; see also FPM Letter 630-29, par. 7(d), ("[d]etermining the nature of evidence required to decide whether the employee is incapacitated for work . . . is within the discretion of the agency").

Though annual leave may be used for personal and emergency purposes, management retains authority to decide when the leave may be taken. See FPM Chpt. 630-8, 3-4(b) ("[t]his decision will generally be made in light of the needs of the service rather than solely on the desires of the employee"); FPM Letter 630-29, par. 8(b) (an agency is not obligated to approve a request for annual leave if the employee's services are required

during the period involved). Regulations do not establish that an employee can demand that accrued annual leave be used when sick leave has been exhausted. As set forth at FPM Chapter 630-8, 3-4(b)(3), "[a]pproved absence otherwise chargeable to sick leave may be charged to annual leave if requested by the employee before the time the employee has exercised the right to have sick leave charged for an absence and approved by the agency." (Emphasis added). The choice of using annual leave in lieu of sick leave therefore appears to be contingent on, among other things, the employee having a sick leave balance; without such a balance, the employee has no "right" to exercise. The right to use annual leave, where sick leave is exhausted, is not otherwise established under VA regulations or the VA's master agreement with AFGE. Compare Amat v. Department of the Navy, 10 MSPB 178, 179 (1981)(use of annual leave and LWOP were improperly denied in view of an express Navy regulation indicating that "if sick leave is not available, the [sick] employee will be carried on annual leave if available, or if neither sick nor annual leave is available, on leave without pay").

When a sick leave balance is exhausted, management may authorize leave without pay (LWOP). However, an employee has no right to demand LWOP; such authorization is a matter of administrative discretion. E.g., Rison v. Department of the Navy, 23 MSPR 118, 124 (1984); Cox v. International Trade Comm'n, 12 MSPR 297, 299 (1982); Miller v. USPS, 9 MSPR 59, 61 (1981); Holt v. Department of the Navy, 5 MSPR 448, 450 (1981); Desiderio v. Department of the Navy, 4 MSPR 84, 86 (1980). Where a medical excuse is involved, the MSPB will review the record as a whole to determine whether the agency's denial of LWOP was reasonable under the circumstances. Lawson v. GPO, 8 MSPR 478, 480 (1981), citing Kamer v. Department of the Navy, 6 MSPR 184, 186 (1981). The Board has found that an "employee absence for which no foreseeable end is in sight is a burden which no employer can efficiently endure" and such a prolonged absence is a just cause for removal. E.g., Kamer, 6 MSPR at 186; Holt, 5 MSPR at 450. "Even though the reason for requesting LWOP is known to be legitimate, e.g., illness, injury, or personal emergency, the request may be denied if the employee's services are required or if the employee has not followed prescribed leave procedures." FPM Letter 630-29, par. 8(c). Where a sick leave balance is exhausted and the employee's services are needed, the agency has the choice of granting LWOP or charging AWOL. See Hart v. GSA, 31 MSPR 664, 665 (1986)(MSPB upheld reasonableness of agency decision denying LWOP and implementing an AWOL removal); see also Miller v. USPS, 9 MSPR at 61 (AWOL removal sustained where employee had no sick leave balance); Lawson, 8 MSPR at 480 (LWOP denial and AWOL removal justified, in view of office workload and the need for the absent employee's services); Kamer, 6 MSPR at 187 (removal proper where employee's prolonged absence put a strain on the agency getting assignments done); accord Kirkman v. Department of the Navy, 12 MSPR 53, 55

(1982)(removal for unexcused absences proper; an agency has managerial prerogative to determine its work force requirements and a right to have its employees in attendance, and ready and willing to work on a regular basis); Pitsenberger v. Department of the Navy, 9 MSPR 403, 409 (1982) ("excessive unauthorized absence from duty is a proper ground for removal, since by its very nature it disrupts the efficiency of the service").

On consideration of these standards and the evidence, we do not believe that the Board would be persuaded that management actions culminating in your removal for a prolonged absence were unreasonable. Assertions that management abused its discretion are rebuttable by evidence indicating that in July 1986, you were granted two successive sick leave requests for what Ida S. Katz (social worker) and Jack M. Gniwesch, M.D., represented as a short-term stress problem prompted by family concerns. Though you exhausted your sick leave balance by the beginning of August 1986, management authorized you to remain out of work in connection with an absence which Katz and Gniwesch had projected might end by August 11, 1986.

Denial of your use of accrued annual leave or LWOP, after August 13, 1986, was predicated on a staffing shortfall due in part to the continued absences of you and Officer Headley. Whereas only Headley was permitted to remain on leave until September 1986, management's actions in this regard can be justified by the fact that Headley's leave extension request predated your own, and, therefore, his continued leave of absence militated against authorizing another permanent employee to remain off duty. Additionally, Headley was known by Wilson to have been involved with you in the charges of police brutality. The fact that Wilson, nevertheless, granted Headley's request for leave further undercuts argument that Wilson's denial of leave to you was retaliatory.

To the extent that the record establishes that these prolonged absences of unforeseeable duration placed a strain on the Security Service, the leave denials, as well as the AWOL reprimand and removal action, are not open to serious challenge. See Hart, 31 MSPR at 665 (AWOL removal upheld where employee exhausted his sick leave and could not be spared from his assigned duties); Lehnerd v. OPM, 27 MSPR 525, 528 (1985)(AWOL action sustained where the return of an absent employee with a back problem was uncertain); Pitsenberger, 9 MSPR at 408 (MSPB held that a supposed short-term emotional disturbance resulting in an unauthorized absence did not mitigate a removal penalty); Lawson, 8 MSPR at 480; Kamer, 6 MSPR at 187. Because the Security Service operated by scheduled shifts (and without a surplusage of permanent officers), it would be difficult to disprove management's contention that your extended, indefinite absences were burdensome and threatened the Security Service's mission, thereby placing "the safety of patients and staff and the protection of VA property in jeopardy" - as stated in the notice of proposed removal issued on December 30, 1986.

Over several months, Katz and Gniwesch provided Wilson with a series of specific recovery date projections. Meanwhile, in late October 1986, you and Headley had secured jobs with a temporary employment service. Then, in a letter sent by you and Headley to Wilson on December 15, 1986, you stated:

> "We remain available for service in the Veterans Administration or other appropriate government agency which does not pose the insoluble situation of exposing ourselves to your recriminative courses of action, and which fits the guidelines of our doctors for a nonstressful atmosphere. Further, if such alternative service is not available, we have submitted and have had ignored our willingness to accept leave without pay for such a period as is required for final report of the investigation of the misconduct we have alleged. We are NOT resigning, we are not AWOL, but are acting in the best interests of the Veterans Administration and other investigatory bodies."

Despite allusions to doctor guidelines and stress, you and Headley did not claim that you were incapacitated. Rather, by your own words, you and Headley declared that you were "acting in the best interests of the Veterans Administration and other investigatory bodies." Moreover, you indicated that in the absence of a transfer, your return to duty at the Cincinnati Security Office was tied to a non-medical event, i.e., completion of a final investigative report regarding Wilson's alleged misconduct.

Shifting explanations regarding the supposed cause of the temporary panic disorders also compounds OSC's evidentiary problem. In the beginning, your representatives dwelt on family-related problems. As sick leave was exhausted and management called on you to return to make up the staffing shortage, assertions were advanced that Wilson was contributing to the panic disorders. Observations about the lack of management empathy soon gave way to undefined references to "ever mounting stress" in the office (from which you and Headley had been absent for nearly four months) and (unexplained) continuous campaigns to discredit you. Your representatives told Wilson, in so many words, that your return to active duty was contingent on his departure. Katz and Gniwesch reiterated, on December 12, 1986, that you and Headley should not return to work until the situation at the Security Service "becomes non-threatening" and less stressful; alternatively, they asked if you and Headley could be transferred, opining to Wilson that "these men cannot return to their former jobs as long as you remain their superior." Since Headley and you had not been to work - at least at the VAMC - since June and July 1986, respectively, it will be difficult to explain how you were subjected to the kind of work-related stress which was reported after August 1986.

The undefined threats alluded to in the November 12 and December 12, 1986, letters purportedly were the reasons why you were fearful of returning to active duty under Wilson. On August 18, 1986, your attorney told OSC that you were afraid that, if you returned to work, Wilson would plant drugs in your desk. According to the unexplained assertions of Katz and Gniwesch, you and Headley feared for your lives if you returned to work under Wilson's control and supervision.

However, we cannot say that the evidence shows that these fears were reasonably based. There is no credible evidence that Wilson or Johnson threatened you, Headley or other Security Service officers with bodily injury. The improbability that Wilson would attempt to physically harm you or plant contraband on you would be reinforced by the fact that public attention, i.e., the FBI, OSC, media and Congress, was already fixed on the VAMC and Wilson. Additionally, there is no evidence that you raised these concerns with the VA while you were AWOL, or during your removal hearing or your appeal to the MSPB. In further assessing the reasonableness of management's response regarding your failure to return to work, available documents do not reflect that you or your representatives ever advised the VA about your fears that drugs might be planted on you.

It is a well-established principle of personnel management that employees must obey management's directives, e.g., to report for work in order to carry out their assignments, even if they have grievances to air against management. An exception to this doctrine exists where obedience to management's directions would involve an unusual or abnormal safety or health hazard. The fear of such a hazard must be reasonable. The MSPB has held that allegations of intolerable working conditions or job tensions due to discriminatory conditions were insufficient to justify an employee's unauthorized absence. Ramos v. Department of the Army, 20 MSPR 539, 540 (1984); Marty v. HHS, 8 MSPR 231, 233 (1981).

In the absence of any evidence supporting a reasonable belief that you would be subjected to unusual safety or health hazards, there is no basis to argue that you were justified in absenting yourself from work for an extended/indefinite period of time. Conversely, we would be arguing against the weight of the law to say that management was obliged to tolerate continued absences, which otherwise imposed a burden on the Security Service. See generally Nunes v. EEOC, 13 MSPR 428, 431 (1982) (agency not required to endure employee's prolonged and unreasonable absence, relative to an alleged medical condition, which had no foreseeable end); Cox, 12 MSPR at 299-300 (prolonged absence with no foreseeable end was just cause for removal); Pitsenberger, 9 MSPR at 408 (removal was appropriate, based on burden caused by absence due to an alleged short-term emotional disturbance); Desiderio, 4 MSPR at 85 (unauthorized absence by its very nature disrupts the efficiency of the service).

To summarize, your continuing, unexcused absence, amid a staffing shortage, would undoubtedly be found to support removal. Moreover, there is insufficient evidence, direct or circumstantial, that your disclosures were a significant factor in the decision to deny you leave and place you on AWOL status before finally removing you for AWOL and misconduct. Although the leave controversy began to develop several months after you made disclosures to the FBI, timing alone does not establish a case of retaliation. Assuming an element of animus by Wilson toward you, the circumstances and effects of your unexcused absence, spanning several months, would likely be found to outweigh any motive to retaliate. Even assuming that we could persuade the Board that your disclosures were based on reasonable belief, this would not insulate you from being held accountable for subsequent misconduct. E.g., Special Counsel v. Starrett, 28 MSPR 60, 70 n.7 (1985), rev'd on other grounds, 792 F.2d 1246 (4th Cir. 1986)("Employees cannot immunize themselves from agency actions merely by donning the clothes of a whistleblower . . . [s]upportable adverse actions not predicated upon protected activity may always be taken against employees"). In this regard, it should be pointed out that you declined to contest the AWOL charge when you responded to the notice of proposed removal.

D. Conclusion

The evidence does not establish a sufficient basis to initiate and sustain formal action under 5 U.S.C. § 2302(b)(8). Material disparities and implausibilities regarding the various accounts of brutality will subvert efforts to prove a threshold issue, i.e., that your disclosures were protected under law. Our burden of demonstrating protected activity is further compounded by significant credibility problems concerning the alleged witnesses/victims.

Your involvement, at the outset, in authoring and disseminating a fictitious and inflammatory statement (from a veteran "beat up real bad") typifies OSC's problem. This fabrication by you would not only cast doubt on the credibility of your subsequent brutality allegations, it would raise difficult questions about your overall veracity and motives. To the extent that you, a law enforcement officer, were, from the very beginning, willing to stretch the facts or contrive them in an effort to implicate Wilson in criminal conduct, your claims of being victimized by unfounded performance and AWOL actions because of "whistleblowing" also would be open to challenge.

In this regard, the record establishes that you had a very noticeable writing deficiency. Whereas the performance standard applied by management was arguably unrealistic and therefore flawed, the evidence nevertheless shows that your writing was, by any objective standard, open

87-082 0 - 88 - 8

to serious criticism; such criticism, having gone unheeded by you, gave way to a supportable Chapter 75 action. On average, you committed more writing errors than other veteran employees, and did not respond to counseling or progressive discipline. Insofar as management's demands for improved written work product were legitimate and predated your disclosures, proving a requisite causal connection to protected conduct is most dubious.

Even more compelling is evidence supporting the AWOL charge. For reasons previously discussed, management's decisions to deny you additional leave and initiate disciplinary action would likely be sustained by MSPB. Measured against the Security Service's obligation to maintain its staffing strength, your continued absence, after your sick leave was exhausted, provides a valid cause for your removal.

On balance, we believe that the record would establish that the seriousness of your conduct and performance problems outweighed any motive to retaliate. Although Wilson and, perhaps, Johnson harbored some animus toward you, we believe that a preponderance of the evidence would support a finding that your removal was valid and for the efficiency of the service. The AWOL charge alone would support a termination.

Like you, Wilson was required to speak truthfully to government investigators. During our investigation, however, we found reason to question the truth and accuracy of certain statements which Wilson provided to OSC during his initial interview. These statements concerned his involvement with your performance appraisal (Wilson initially claimed that he had no real involvement or influence with respect to the appraisal), his knowledge with respect to the source of the anonymous letter, and his employment background. Although the record does not otherwise support a disciplinary action under 5 U.S.C. § 2302(b)(8), Wilson should nevertheless be held accountable for any apparent standard of conduct violations, 5 C.F.R. §§ 5.4, 735.201a, particularly because of his role as a supervisory law enforcement officer. Accord McDonald v. Department of the Navy, 4 MSPB 459, 460 (1980) ("an agency has the right to expect and hold its law enforcement personnel to a high standard of conduct").

In Horner v. MSPB, 815 F.2d 668, 670, 676 (Fed. Cir. 1987), the court's narrow view of 5 U.S.C. § 1206(e)(1)(D) foreclosed OSC from prosecuting a standard of conduct violation which did not involve a personnel matter. Under Horner, OSC, therefore, has very limited authority to initiate formal action against employees for possible standard of conduct violations. See also Special Counsel v. Cofield, No. HQ12068610007 (MSPB June 1, 1987)(respondent's [pending] motion to dismiss citing Horner and challenging OSC's authority to initiate disciplinary action for violations of Civil Service Rule 5.4). Insofar as 5 U.S.C. § 1206(c)(3) does provide

OSC with an indirect means of fostering agency corrective and/or disciplinary action regarding such breaches, we have invoked this statutory provision and formally referred our findings about Wilson to Thomas K. Turnage, Administrator of the Veterans Administration.

Pursuant to 5 U.S.C. § 1206(c)(3), we have also apprised the Veterans Administration of our concerns regarding the apparently flawed three-error rule. Because of your writing deficiencies and management's reliance on Chapter 75 (rather than Chapter 43) removal procedures, there is insufficient basis to justify corrective action on your behalf. However, in the interest of promoting systemic improvements, the Cincinnati VAMC is being asked to modify the Security Service's writing standard to bring it in conformity with 5 U.S.C. § 4302(b)(1).

Apart from matters raised in the above-mentioned letter to Administrator Turnage, we plan no further action with respect your complaint and are closing OSC File No. 10-6-00991. To the extent that you or your counsel may disagree with our analysis and conclusions, we must note that you had the right to pursue the appeal of your removal, which you filed with the MSPB, and to have all the issues in this matter adjudicated by the Board and ultimately reviewed by the courts. You elected to forego these rights (including the right to costs and attorneys fees, in the interest of justice) when you withdrew your appeal on the eve of the hearing date. Based on our careful analysis of the evidence in this matter, we have concluded that we could not prevail in litigation of the issues which you chose not to pursue.

Sincerely,

William E. Reukauf

William E. Reukauf
Associate Special Counsel
for Prosecution

WER:RHS/rs

cc: Thomas Devine, Esq.

Office of Inspector General

Washington, D.C. 20420

Veterans Administration

JUN 30 1988

In Reply Refer To:

Honorable G.V. (Sonny) Montgomery
Chairman, Committee on Veterans' Affairs
U.S. House of Representatives
335 Cannon House Office Building
Washington, D.C. 20515

Dear Mr. Chairman:

Enclosed are answers to the questions you forwarded on June 6, 1988 regarding VA's security service. If I may provide further assistance in this matter, I would be pleased to do so.

Sincerely,

RONALD P. MORANI
Acting Inspector General

Enclosure

QUESTIONS OF CONGRESSMAN BOB STUMP OF ARIZONA
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
HEARING OF MAY 19, 1988

QUESTION What kind of "questionable circumstance" are you referring to on page 3 of your testimony, relating to hiring police officers who had resigned or been terminated from previous law enforcement agencies. In your opinion, were these very serious matters?

ANSWER The specific "questionable circumstances" that we referred to in the audit report are defined in the answer to Question 2.

We certainly consider the "questionable circumstances" to be serious matters because they deal with the suitability of these individuals to be federal police officers. For example, one officer resigned while under internal police investigation for stealing money from a prisoner and one officer resigned while under suspension for insubordination and unauthorized absence from duty. Other police officers were terminated for unsatisfactory job performance. We believe that VA officials would not have hired these officers if the specific details of their departure from law enforcement agencies had been known.

QUESTION What does IG define as "questionable circumstances" for termination or resignation from law enforcement and other employers?

ANSWER As stated in our audit reports, we considered the following circumstances to be questionable: forced termination actions by previous employers; criminal convictions; resignations while under internal police investigation; unexplained lengthy gaps in employment histories; and illogical reasons for leaving law enforcement agencies. We believe that individuals who fit this profile should not be hired without specific and detailed inquiries into their backgrounds.

QUESTION The criminal acts that the 3 officers you mentioned had been previously convicted of--were they serious, and were the officers required to list them on their employment applications?

ANSWER The 3 officers in question were convicted of serious criminal acts of assault and assault and battery, to include assaulting a police officer. All 3 were required to list the convictions on their employment applications. They did not list these convictions and VA officials did not make police record checks as required.

QUESTION Are lines of authority sufficiently clear for facility police chiefs who serve the facility director and also the director of the security service?

ANSWER As part of our ongoing audit, we are reviewing the organizational structure and lines of authority for security chiefs. Preliminary data indicate that the lines of authority may not be sufficiently clear.

QUESTION At New Orleans and Oklahoma City, did the stations sometimes know about criminal acts, resignations under fire, prior records, etc, but hired the people anyway?

ANSWER There was no documentation in official files showing that VA officials at the stations knew that applicants had criminal convictions or had resigned from law enforcement agencies while under investigation or suspension. In some instances they were aware that the police officers were terminated from law enforcement agencies, but VA officials were not aware of the circumstances because they did not contact those prior employers.

QUESTIONS OF CONGRESSMAN LANE EVANS
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS
HEARING OF MAY 19, 1988

QUESTION The objective of the Veterans Administration Security Service is to prevent crime. Is the VA Security Service achieving this objective? Is the VA becoming more or less vulnerable to crime?

ANSWER The VA has about 1,900 police officers on duty at 172 medical centers. The visibility of those officers, on what is usually a small area of federal property, certainly deters crimes. One of the major methods of preventing crime is to identify crime patterns so that security measures can be adjusted to prevent recurrence. Our audits showed that such actions usually had not been initiated at VAMCs New Orleans and Oklahoma City. Further, supervision and management of an inexperienced police force was lacking. We believe improvements in these areas will help the VA Security Service prevent crimes. While the audit tests cannot measure crimes that were prevented, ineffective police procedures do make the VA more vulnerable to crime.

QUESTION What are the responsibilities and duties of DM&S Security Service program officials and Regional Security Officers? Are these duties and responsibilities being successfully accomplished?

ANSWER The DM&S Security Service is managed by one program official, the Director, who has full responsibility for the development, management, and direction of the department's security and law enforcement program. Under his supervision are one Program Assistant and four Regional Security Officers. The Regional Security Officers conduct security surveys, program evaluations, and criminal investigations at VA medical centers as directed by the Director, VA Security Service. As part of our ongoing audit, we are evaluating the organizational structure of Security Service as well as the duties and responsibilities of the Director and the Regional Security Officers. Our initial results show that improvements may be needed in this area.

QUESTION Is the Department of Medicine and Surgery uniform crime report accurate? How is this report used and to whom is it distributed?

ANSWER Our audit identified significant errors in most reports reviewed at VAMCs New Orleans and Oklahoma City. Specifically, thefts of property, arrests, and assaults with deadly weapons were understated, while the number of traffic violations reported were overstated. Preliminary data indicate similar discrepancies at the remaining audit sites. We are evaluating the use and distribution of these reports as part of our ongoing audit.

QUESTION Please describe the crime investigation and crime reporting responsibilities of the nonsupervisory level VA police officers. How effectively are police officers satisfying these responsibilities?

ANSWER VA police officers are required to make preliminary investigations on all reported crimes and acts of misconduct at VA medical centers. After reviewing preliminary investigation reports, Medical Center management officials determine if officers are required to make follow-up investigations. Officers are required to accurately record and report information relating to crimes and incidents, and to clearly label information to reflect the significance of its source. Our audits at the New Orleans and Oklahoma City medical centers showed that the police officers were not adequately investigating or reporting crimes. Specifically, we found investigations were inadequate or were not done in 73 percent of the cases reviewed. Preliminary data indicate similar conditions exist at the remaining audit sites.

QUESTION Are VA police officers effectively preparing and maintaining reports and journals? Why are accurate reports and journals important?

ANSWER Police officers at the two sites we have completed were not effectively preparing and maintaining reports and journals. Complete and accurate information is essential because the reports may be used in full investigations, in court, or by non-VA investigative agencies. In addition, these reports are the source documents from which the Uniform Monthly Crime Reports are prepared and are also to be used by supervisors in monitoring the adequacy of crime investigations.

QUESTION Please compare the in-service training received by VA police officers with the in-service training received by other federal agency police officers.

ANSWER We compared the in-service training received by VA police officers during the first year at the New Orleans VA medical center to that received by Federal police officers at two medical facilities operated by the Department of Health and Human Services. Employment requirements for both agencies were the same. Although the job requirements were the same, in-service training requirements were not comparable as shown:

Type of Training	Training Hours Provided: Federal Facility #1	Federal Facility #2	VA Medical Center
Federal Law Enforcement Training Center	301	301	0
VA Police School	0	0	40
Local Training	135	*	1
Chemical Weapons	0	0	3
TOTALS	436	301	44

*Formal summary records of local in-service training were not available for this facility.

Since we did this comparison, VA has expanded the VA Police School course to 64 hours. As part of our ongoing audit, we are making additional evaluations of in-service training as it compares to other federal agency police officers.

QUESTION Crimes at VA medical centers are reportedly not being investigated adequately. Why are VA police officers not adequately investigating crime?

ANSWER Police officers were not adequately investigating crimes for two basic reasons at the two sites we have completed. First, medical centers hired persons who did not possess the knowledge and skills in criminal investigative techniques required of police officers and also did not provide adequate training. Second, management officials did not adequately monitor and supervise the police workforce to ensure that crimes were investigated properly.

QUESTION Why are field personnel officials failing to contact previous employers to determine if VA police officer applicants are fully qualified and suitable?

ANSWER Our audits showed that field officials, in most cases, simply did not comply with the established requirements to determine if applicants were fully qualified and suitable. Generally, they relied on the information provided by the applicants as being accurate without independent verification. In a few cases, questionable circumstances that we identified had occurred more than 5 years before the officers applied for employment with the VA. VA policy states, as a minimum, contacts and checks will be made with police organizations where applicants resided during the most recent 5 years. As a result, some field officials did not check with prior employers beyond 5 years.

CHAIRMAN EVANS TO NATIONAL FEDERATION OF FEDERAL EMPLOYEES

The Honorable G.V. (Sonny) Montgomery
Chairman, House Committee on Veterans' Affairs
335 Cannon House Office Building
Washington, D.C. 20515

June 30, 1988

Dear Chairman Montgomery,

I am pleased to respond to the following question submitted to the National Federation of Federal Employees by the Honorable Lane Evans:

> OPM has issued new standards for police officers and according to OPM, some GS-5 grade police officers with certain types of specialized training may be upgraded to GS-6 as a result of the new standards. What is your evaluation of the new standards?

As you are probably aware, the new Office of Personnel Management standards for police officers and security officers are part of the Factor Evaluation System, which was designed in 1975 to replace the previous narrative system. The new FES was based on nine factors (knowledge required by the position, supervisory control, guidelines, complexity, scope and effect, personal contact, purpose of contacts, physical demands, and work environment). Each is assigned a specific range of points. The factors are subdivided into levels which determine the total points a job may receive based upon the position description. When the points are tallied, they are matched to a conversion table that determined the grade based on the total number of points.

NFFE has previously been critical of the FES as a biased plan that relies on outmoded value judgement and standards. The new OPM standards for police and security guard positions gives further weight to this view. As an example, one may contrast the number of points awarded for dangerous working conditions and dangerous physical demands, as opposed the number of points awarded for much safer personal contact with the public.

Level 6-3 is worth 60 points and is described as follows: "Personal contacts are with individuals or groups from outside the employing agency in a moderately unstructured setting (e.g., the contacts are not established on a routine basis, the purpose and extent of each contact is different, and the role and authority of each party is identified and developed during the course of the contact). Typical of contacts at this level are those with persons in the capacities as attorneys; contractors; or representatives of professional organizations, the news media, or public action groups."

In contrast to this picture of a safe haven in the law enforcement area, where the most dangerous person encountered might be an investigative reporter, Level 8-3 is worth only 50 points for a position described as follows: "The work requires, on a regular and recurring basis, considerable and strenuous physical exertion such as frequent climbing of multiple flights of stairs, lifting heavy objects over 50 pounds, crouching or crawling in restrictive areas during search or pursuit activities, or defending oneself or others against physical attack."

Not only is defending others against attack not worth more than conversing with attorneys, OPM values it as worth 10 fewer points! This is clear evidence of a bias toward "white collar" police positions, to the disadvantage of the officers who walk the beat protecting lives and property.

A further example exists in the mere 50 points available for Level 9-3 which describes (in part) a work environment which "regularly involves high risks with exposure to potentially dangerous situation or unusual environmental stress which require a range of safety and other precautions (e.g., subject to possible physical attack or mob conditions, or similar situations where conditions cannot be controlled.) This level includes work in a high crime area where the public has easy access and officers must patrol in locations where

persons may be armed while attempting auto theft, vandalism, narcotics transactions, and other offenses which can lead to assault with or without a weapon in order to avoid arrest."

NFFE finds it to be outrageous that OPM can consider such demanding and potentially dangerous jobs conditions to be worth fewer points than meetings with contractors. It is important to note as well that there are only nine areas in which positions are rated, and the GS-6 level requires a point range between 1105 and 1350. In order to achieve a score high enough for a GS-6 rating, a position would have to meet at least level three of each factor, which, taken together, describe a very dangerous job, indeed.

Having reviewed the requirements for the different factors, we find no mention of any new, specialized skills which would elevate a GS-5 police officer to GS-6. Our members at the Zablocki Medical Center in Milwaukee Wisconsin have heard rumors that computer training would serve to improve an employee's grade level, but we have found no mention of such training in the OPM publication (TS-87, April 1988).

We find the new grade evaluation guide for police and security guard positions to be as lacking in understanding of the daily dangers facing the officers as the previous guide was. An unofficial attempt to classify a typical VA police officer under the new system places them at GS-5 or GS-6. Most police officers are already graded at GS-5. Levels of GS-6 and GS-7 are what is needed to recruit and retain qualified personnel for these important positions. We hope to be able to work with the Committee in the future to achieve such grade levels for VA police officers.

Sincerely,

James M. Peirce
President

OFFICE OF THE SPECIAL COUNSEL
U.S. Merit Systems Protection Board

1120 Vermont Avenue, N.W. Suite 1100
Washington, D.C. 20005

Honorable G.V. Montgomery
Chairman
Committee on Veterans' Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am writing in response to your letter of June 6, 1988, in which you requested answers to written follow-up questions puruant to the Oversight and Investigations Subcommittee hearing on May 19, 1988.

I am pleased to enclose answers to the questions submitted by Representative Lane Evans, Chairman of the Subcommittee. In addition, the Subcommitee offered me the opportunity to respond on behalf of the Office of the Special Counsel (OSC) to testimony presented by the Government Accountability Project (GAP). I responded to the Subcommittee's invitation in my opening statement at the hearing, and I believe that my statement at that time generally suffices as a response to the inflammatory and wholly unwarranted charges levelled against the OSC in GAP's testimony. The only additional response that we would would like to offer at this time for the record of the hearing is a letter from Associate Special Counsel William E. Reukauf to GAP, dated June 23, 1988, responding to similar reckless and irresponsible charges by GAP in a letter to the Special Counsel on April 7, 1988.

On behalf of Special Counsel Mary F. Wieseman and the OSC, I want to express our sincere appreciation for your interest and that of the entire Veterans' Affairs Committee and its staff in the OSC's activities, and for the opportunity to contribute to the Committee's efforts to improve the effectiveness of Security Service operations.

With respect,

Erin McDonnell

Erin McDonnell
Deputy Special Counsel

Enclosures (2)

OFFICE OF THE SPECIAL COUNSEL
U.S. Merit Systems Protection Board

1120 Vermont Avenue, N.W. Suite 1100
Washington, D.C. 20005

June 23, 1988

Thomas Devine, Esquire
Thomas Carpenter, Esquire
Government Accountability
Project
25 E Street, N.W.
Suite 700
Washington, D.C. 20001

Re: OSC File No. 10-6-00991

Dear Sirs:

This is in final response to your letter dated April 7, 1988, addressed to the Special Counsel. In that letter, you challenged the objectivity of our legal assessments in the Berter matter, as outlined in our 14-page closure decision of March 31, 1988. Specifically, you asserted that we disregarded evidence submitted by the Government Accountability Project (GAP) bearing on police brutality and on Mr. Berter's reprisal charges. You also faulted our concerns about the prospect of being able to prove the protected status of Mr. Berter's disclosures - particularly his handwritten, unsigned letter from an unnamed veteran "beat up real bad" by Daniel R. Wilson.

For reasons described below, we are unable to credit your unfounded contentions. Your zealous argumentation in the Berter matter does not establish a convincing legal basis for the Office of the Special Counsel (OSC) to amend the conclusions outlined in its lengthy closure letter of March 31, 1988. Such conclusions were predicated on information provided by a variety of sources including but not limited to GAP, Mr. Berter and the Federal Bureau of Investigation (FBI). Our closure letter summarized the views and concerns of OSC investigators, attorneys and senior staff who spent countless hours reviewing the Berter matter. It represents the unanimous judgement of attorneys in this office who, collectively, have been practicing law for 80 years. While it apparently serves your interests to perpetuate the fallacious notion that OSC is disposed to harm those claiming protection under 5 U.S.C. § 2302(b)(8), you do yourself and those who listen to you a disservice by making light of the obvious and inescapable credibility and legal problems in this case.

I. "Vanished Evidence"

Under the heading "Vanished Evidence," you unfairly suggested that OSC turned a blind-eye toward uncontroverted evidence of brutality and prohibited reprisal by Mr. Wilson. Because our closure letter did not expressly allude to "any" affidavit prepared and submitted by GAP, you complained that OSC's closure decision was agency-oriented, or alternately, aimed at unjustifiably vilifying Mr. Berter. In another leap of logic, you asserted that because OSC did not credit allegations of "brutal racial violence against minority veterans seeking medical treatment," we were tacitly accepting such practices.

Although OSC is not required to open its files to you or surrender material derived from its deliberative process, by our 14-page closure letter, and later, by our release of redacted copies of our Report of Investigation (ROI) and Prosecution Recommendation (PR), we, nevertheless, went to extraordinary lengths to identify for you and Mr. Berter many of the evidentiary problems which undercut your client's reprisal complaint. Rather than restate the bases of our decision, we now simply note that before reaching a final decision in this matter, OSC reviewed all affidavits and documents submitted by GAP. In that regard, GAP affidavits and documents pertinent to specific brutality charges - made by Mr. Berter and brought to Mr. Wilson's attention - were appended as exhibits to OSC's ROI, and subsequently analyzed in OSC's PR; no relevant document was overlooked. To the extent that the record shows that until after Mr. Berter's removal, Mr. Wilson's knowledge of disclosures of alleged brutality was confined to the five names (i.e., Woods, Sloan, Snelbaker, Murphy and Hummons) identified in the typewritten anonymous letter issued on November 10, 1985, information regarding other unrelated incidents of alleged abuse was not a focus of the Berter ROI or PR. A finding that the unrelated abuse allegations were reasonable would not permit OSC or MSPB to discount the significant inconsistencies and implausibilities concerning the disclosures attributable to Mr. Berter. See 5 U.S.C. § 2302(b)(8).

II. "Unresolved OSC Contradictions"

In a apparent effort to side-step the obvious evidentiary problems which make this case unwinnable, you offer unsupported arguments suggesting that OSC has arbitrarily flip-flopped on the issues of whether Mr. Berter's disclosures were protected and whether his performance deficiencies were actionable. In support of these contentions, you refer to two documents - one from OSC (issued to Administrator Thomas K. Turnage on September 8, 1987), the other from the Department of Justice's Civil Rights Division, Criminal Section (an intra-agency closure recommendation dated January 24, 1987, regarding Justice's police brutality investigation at the Cincinnati Veterans Administration Medical Center).

Little more than a cursory reading of these documents would reveal that your arguments are without foundation. That we referred allegations of abuse to Administrator Turnage pursuant to 5 U.S.C. § 1206(b)(2) hardly constitutes a finding that Mr. Berter's charges satisfied the requirements of 5 U.S.C. § 2302(b)(8). To construe section 1206(b)(2) to require OSC to do anything more than perform a ministerial act, i.e., to channel abuse charges to agency heads, misstates our understanding of that provision, and as you are aware, the intended purpose of our letter to the Veterans Administration. Our actions in bringing these abuse allegations to the agency's attention preceded the completion of our full investigation and comprehensive analysis of the evidence and relevant law. Were these factors not enough to dispel your assertions about "OSC contradictions," it also might be useful for GAP to jog its collective memory about a meeting conducted on April 27, 1987, during which OSC investigators articulated concerns about the brutality charges - which neither you nor Mr. Berter were able to satisfy.

As for your reliance on the Criminal Section's closure recommendation dated January 24, 1987, a Justice attorney's characterization of comments attributed to OSC investigators offers flimsy support for the proposition that Mr. Berter's writing was undeserving of criticism, or that OSC later abrogated its fact-finding duties. Viewed in context, OSC input to Justice regarding Mr. Berter's work performance was preliminary and informal in nature; it was provided on or about October 29, 1986 - months before OSC investigators and attorneys conducted comparative analyses and statistical studies regarding hundreds of Security Service journals, tickets and offense reports.

Though we cannot account for the methods which you applied and the evidence which you reviewed in concluding that Mr. Berter's writing problems were unnoteworthy, OSC stands by its findings regarding Mr. Berter's performance deficiencies and management's performance-related actions. OSC statistical reviews are among the several factors which bear out our serious misgivings about the prospect of proving a reprisal case. Mr. Berter's prolonged absence from work, a topic which you and your client understandably avoid, otherwise establishes a persuasive basis for and defense of the removal action. Were this such a clear-cut case of reprisal, as you and Mr. Berter so unequivocally declare, it is beyond reason why your client opted in 1987, to forego the opportunity to obtain redress (including attorney fees) through a statutorily guaranteed appeal before the MSPB - the same forum before which OSC practices.

III. "False Statements"

In yet another attempt to obscure the glaring credibility problems concerning Mr. Berter's disclosure activity, you accused us of making false and defamatory statements about Mr. Berter. Specifically, you

upbraided OSC for characterizing Mr. Berter's handwritten letter as "fictitious." You charged foul-play because OSC suggested that Mr. Berter was not candid with OSC, from the outset, regarding his authorship of this letter - which purportedly concerns a beating which he alone witnessed. Finally, you demanded that OSC cease an alleged campaign of retaliation against Mr. Berter.

Your accusations of slander and demands for OSC retractions (under threat of civil action) add dramatic flare to your letter but are unjustified, if not disingenuous. By Mr. Berter's own admission, the handwritten letter was created to generate concern and reinforce the impact of the attached typewritten letter issued on November 10, 1985. Mr. Berter's acknowledgement came to light in September 1987, shortly after a senior OSC staff attorney asked about the author, origin and basis of the handwritten letter. OSC investigators then telephoned Mr. Berter on September 17, 1987, to make inquiry. Only at that time did Mr. Berter admit authoring the letter. Your assertion that Mr. Berter provided OSC with full and candid information about the letter in September 1986, a year earlier, is not reflected in paperwork maintained by OSC or submitted by Mr. Berter or GAP. Your assertion is also refuted by the OSC investigators assigned to the Berter matter. Despite your adamant claim that there "was nothing fictitious about the letter's facts on brutality, which Mr. Berter personally witnessed," it is curious, at best, that neither you nor Mr. Berter ever specifically identify the supposed veteran on whose behalf the letter was being written. To this date, we do not know who that veteran was or when and under what circumstances he was allegedly beaten by Mr. Wilson.

* * * *

Regarding the issues of bad faith and inconsistent accounts, you would be better served by examining your own actions and the information upon which you have relied. No amount of intimidation attempted by you will make the problems in this case disappear.

Accordingly, we plan no further action regarding this complaint.

Sincerely,

William E. Reukauf
Associate Special Counsel
for Prosecution

WER:RHS/rs

RESPONSES TO QUESTIONS SUBMITTED BY HONORABLE LANE EVANS TO

ERIN MCDONNELL, DEPUTY SPECIAL COUNSEL, OFFICE OF THE SPECIAL COUNSEL

(1) Q: The training provided at the Federal Law Enforcement Training Center has been described as "state of the art". How would you describe the police officer training provided by the VA? Please compare the training provided by the VA and the Federal Law Enforcement Training Center.

A: The OSC has not studied the training offered by the VA to its Security Service police officers. Our judgment that it is inadequate is based upon direct observation of VA police practices, and anecdotal information about the training provided by some VA police officers during several OSC investigations. On the other hand, many OSC employees are familiar with the training offered at Federal Law Enforcement Training Center (FLETC), including investigators who have attended its training programs.

FLETC was established by Congress as a consolidated federal law enforcement training center, and currently serves as an interagency training facility for nearly 60 federal law enforcement agencies. It provides basic, advanced and specialized training by qualified professionals, which training can be adapted to the particular needs of participating agencies. The FLETC training curriculum, which includes an eight-week basic Police Training Program, and a five-week Police Investigator Training Program, is thorough and demanding. The current FLETC training syllabus, which is available for the Committee's consideration, provides a comprehensive outline of its programs.

(2) Q: The Office of the Special Counsel has made several submissions to the Veterans Administration recently. What response has OSC receive from the VA?

A: On April 27, 1988, Administrator Thomas K. Turnage responded to Special Counsel Mary F. Wieseman's letter of March 31, 1988, sent pursuant to 5 U.S.C. 1206(c)(3), in which she transmitted evidence of apparent violations of Standards of Conduct and agency procedures by Daniel Wilson while Chief of Police at the VA Medical Center in Cincinnati, Ohio (VAMC-Cincinnati). Administrator Turnage reported that after being confronted with evidence of misconduct developed in the OSC's investigation and a continuing VA Office of Inspector General (OIG) investigation, Mr. Wilson resigned his position with the VA effective April 8, 1988. Administrator Turnage also reported that Wilson's use of intemperate and abusive language in dealing with certain trespassers constituted violations of VA Standards of Conduct. Finally, he reported that the Security Service writing standard for police officers at the VAMC-Cincinnati will be modified to assure consistency with agency guidelines and policies, and issued by June 1, 1988.

No response was required, and none was received, from the VA-OIG in answer to the Special Counsel's recommended improvements in VA Security Service operations, since the OSC's recommendations were merely advisory.

(3) Q: Incident reporting by VA police has been characterized as inadequate. Can you provide the Subcommittee with any examples of inadequate reporting by VA police officers? What recommendations do you have for correcting this deficiency?

A: There are several such incidents in OSC experience. The most significant inadequacies observed by the OSC have been the non-reporting of entire incidents, followed by the non-reporting of all relevant facts in incidents that are

recorded. For example, although there was no question in one case that some vagrants had been detained by police, no reports were made, leaving a vacuum in which subsequent allegations of misconduct could be (and were) made without a record to document and confirm basic details of the encounters. In another situation, no report was made by police of their efforts to subdue a delirious patient even though force was used. I described other examples of reporting deficiencies in my testimony.

We understand that the VA has regulations requiring incident reporting, so that the deficiencies identified by the OSC cannot be ascribed to systemic or structural defects, but rather to failures to comply with existing instructions. The classic method for enforcement of compliance with established procedures by remote units is inspection, locally and by headquarters personnel. The VA Security Service does not appear to have a regular inspection program, with follow-up procedures, in place. At a minimum, the OSC would recommend establishment and maintenance of a professional and effective inspection program.

(4) Q: According to the testimony submitted by Ms. McDonnell, VA police officers need "closer, centralized regulation and oversight, with day-to-day control remaining with hospital directors." Also according to this testimony, "The VA should establish a professional central office staff to oversee all VA police practice, policy, training and performance" and VA medical center directors, "should be specifically instructed on the parameters of day-to-day direction of police activities by both directives and training." What specific improvements are needed in the centralized regulation and oversight of VA police officers? Why is day-to-day control VA police officers by medical center directors important in your opinion? Are medical center directors not now familiar with or well informed about VA police officer supervision and direction?

A: Police practice and law enforcement generally is a specialized subject. Case law and technology are constantly evolving, and it is unrealistic to expect small police units in a nation-wide hospital system to stay abreast of this evolution. VA police chiefs answer to the VAMC directors, in practice, but the directors cannot be expected to have an in-depth knowledge of correct police practice and procedure, or to be able to devote attention to police activities on a technical level.

Responsibility for assuring awareness of proper police procedures, as well as consistency in the application of and adherence to those procedures, by Security Service field units should be exercised by headquarters staff. A centralized staff should develop and maintain up-to-date legal and procedural guidance to keep the field current. Central office inspections and follow-up, if properly done, would detect shortcomings and identify the need for new procedures, training or compliance enforcement. A regular and effective inspection program creates an environment in which compliance with procedures is far more likely to be assured. The need for such inspections is particularly important in any system in which significant authority must be delegated and decentralized. Such is the case with the VA Security Service.

The medical center director has many responsibilities, of which security is only a part. Until it becomes a problem to him or her, we have not observed that the director is likely to take an active interest in security matters. On the other hand, the running of a medical center is made much more difficult if there is rampant theft, violent crime, or disruptions of a hospital atmosphere, and a VAMC director should exercise responsibility for establishing and

parking regulations will be enforced, and how visitor traffic should be handled. We see these matters as part of a center director's overall responsibility for patient care and preservation of government property, and not matters appropriate for regulation by a central office staff. Directors should also be familiar with their role in deciding which violations they may decline to refer to the local U.S. attorney and which they may not. They should not be left to improvise this sort of decision-making on the merits of alleged criminal violations. We have seen no evidence in OSC investigations at VAMCs that the medical center directors are well-informed about proper supervision and direction of police operations.

(5) Q: OSC testimony recommended that, "only properly trained, demonstrably qualified, persons should conduct criminal investigations in VAMCs." What training is required to be a properly trained criminal investigator?

A: Properly trained criminal investigators should be conversant with criminal law, evidence, scientific and technical aids to investigation, interview and interrogation techniques, report writing, surveillance techniques, identification procedures, arrest and search techniques, self-defense (including weapons, where appropriate), recruitment and control of informants, standards of conduct, relationships with other jurisdictions, and any agency-specific procedures. FLETC has an excellent training syllabus for criminal investigators.

NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES
AFFILIATED WITH SERVICE EMPLOYEES INTERNATIONAL UNION, AFL/CIO
1313 "L" STREET, N.W., WASHINGTON, D.C. 20005
202/371-6644

July 11, 1988

Honorable G. V. Montgomery
Chairman House Committee on
Veterans Affairs
335 Cannon
US House of Representatives
Washington, DC 20515

Dear Chairman Montgomery:

Enclosed, please find the answers of the National Association of Government Employees to written questions submitted by the Oversight and Investigators Subcommittee following the hearing of May 19, 1988.

Very truly yours,

Edward L. Murphy
Legislative Counsel
NAGE/SEIU

ELM/dlm

QUESTIONS SUBMITTED BY HONORABLE LANE EVANS
TO MR. EDWARD L. MURPHY, LEGISLATIVE DIRECTOR
NATIONAL ASSOCIATION OF GOVERNMENT EMPLOYEES

(1) OPM has issued new standards for police officers and according to OPM, some GS-5 grade police officers with certain types of specialized training may be upgraded to GS-6 as a result of the new standards. What is your evaluation of the new standards?

(2) You testified that the current organization of the VA Security Service, "has created a dangerous ambiguity among some police officers about their duties, and authority, and a perceived disrespect for the officers authority." Please provide examples of these conditions. What changes do you recommend in the organization of the Security Service?

(3) What specific changes should be made to improve the training received by VA police officers?

Answer to Question #1:

Our office has reviewed the new classification standards issued by OPM for police officers. We believe these standards provide some flexibility needed in establishing the appropriate grade. Unfortunately, based on information our locals have provided us with, it appears that the new standards have not been applied to the Vetrans Administration police and may, in fact, have been vetoed by the VA itself.

Answer to Question #2:

Under Public Law 98-528 VA police officers are given the full powers of arrest and duties of enforcing existing laws on federal property. Thus in statute the VA police officer has the broad discretion which we commonly attribute to law enforcement officers everywhere. Unlike virtually all other law enforcement officials, however, police officers in the VA have their authority and discretion directly controlled by a non law enforcement professional who, unfortunately, is frequently not attuned to the challenges and problems of the position.

Officers from a number of our locals advise us that the medical director consistently "pulls" tickets written by the officer for no apparent good reason. Officers complain that parking tickets, citations for speeding, disorderly conduct etc. are consistently "taken care of" by non law enforcement professionals in the supervisory chain of command above the hospital police. At some facilities officers complain that "virtually every ticket gets fixed".

This practice results not only in an uneven application of the law but also severe morale problems to the officer and disrespect of the general public toward the VA police. For example, an officer advised us that he stopped a staff physician travelling 33 MPH in a 15 MPH patient zone on a rainy slick day. The doctor loudly and publically humiliated the officer than complained to the hospital director and had the ticket fixed. An incident like this makes it likely that officers will hesitate in performing their duties for fear of humiliation later on. At this same facility officers advise us that disrespect for the police is so great that some vehicles refuse even to stop when ordered to by the police force.

Officers also advise us that their arrest powers are so narrowly constrained by non professionals that they have lost the respect of staff patients and the local police. We're advised that even when law breakers are approached by the officer they are treated with disrespect and reminded that the VA police cannot make arrests.

The police function needs to be managed by real world cops with the necessary authority at all levels to perform the needed law enforcement functions. Officers need to exercise discretion on the job and should not have their decisions and authority reviewed and criticized by medical personnel unfamiliar with the demands of law enforcement. The authority of the medical team to interfere in purely law enforcement functions (like voiding speeding tickets) should be specifically rescinded. The word must go out in the community that the VA police officers actions will not unnecessarily, be overtuned and, in fact, will be supported when correct by the VA.

All officers we've heard from have consistently advocated

for better and more training to enable them to exercise their authority better. They also frequently suggest that if they presented a more law enforcement like appearance they would gain more respect and ask that the uniforms be changed to blue, the uniform allowance increased and that they be issued firearms. It is suggested that a specific position be created as a training officer to be responsible for locating necessary programs.

Answer to Question #3:

Officers should initially be trained at Glynco, Georgia with the 6-8 week program provided other federal law enforcement professionals. After that officers should be provided with regular and on going refresher courses to address changes in the law with development skills necessary for the performance of their jobs including self defense/restraint, arrest, investigations techniques etc. Officers could be trained for some of these programs at local community colleges and certainly for subjects such as handling violent and assultive patients the VA itself must have considerable experience.

United States
Office of Personnel Management

Washington, D.C. 20415

In Reply Refer To: Your Reference:

JUL 20 1979

Honorable G.V. Montgomery
Chairman
Committee on Veterans' Affairs
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

The Office of Personnel Management has prepared the enclosed responses to the questions you sent us, following up on the May 19 hearing of your Subcommittee on Oversight and Investigations on VA's Special Police. I am very sorry these answers took so long to prepare.

Please let me know if we can be of any further assistance to you.

Sincerely,

Curtis J. Smith
Associate Director for
Career Entry

Enclosures

CON 114-24-3
January 1980

QUESTIONS SUBMITTED BY HONORABLE LANE EVANS

1. Q. Are there benefits from workforce stability? Is a turnover rate of twenty percent or more per year for police officers generally desirable or undesirable? If an agency is experiencing either employee recruitment or retention problems, what assistance is available from OPM?

   A. There are benefits to workforce stability. Among them are reduced costs for hiring, conducting background investigations, training, and outfitting new employees. Some turnover is normally good for an organization because replacement employees bring fresh ideas and approaches to the work. However, with too much turnover the organization loses its continuity and its ability to accomplish its work efficiently. Twenty percent was the average turnover for police officers throughout the Federal Government in FY 87. It is desirable to keep turnover low for police officers because this occupation has high costs for conducting full-field background investigations and training and outfitting new employees.

   If an agency is experiencing recruitment problems, it may obtain Recruiting or Direct Hire authority from its servicing OPM examining office. If a recruitment or retention problem is related to higher private sector pay, the agency may request special salary rates under 5 U.S.C. 5303. The Veterans Administration has a separate authority to authorize special rates for its police officers and its Department of Medicine and Surgery employees who perform direct patient care or services incident to direct patient care, subject to OPM concurrence (38 U.S.C. 4107(g)).

2. Q. OPM has recently revised the standards for the GS-083 series. Why were these standards revised? Please describe the steps which were taken in revising these standards.

   A. The standards were revised in response to requests from agencies for a high priority standards study. Among those most interested in having the study undertaken were VA, GSA, and the Defense Department. The agencies believed that police work needed to be better described than it was in the old standard.

   OPM followed established procedures in developing the new standards. Occupational specialists reviewed a large volume of documentation from agency and OPM files. Police officers, their supervisors and managers, and personnel specialists were interviewed regarding the work in a variety of police positions (including a number of VA facilities) and work was observed as it was performed by police officers.

   Information gathered during the factfinding period was used to develop a draft standard which was circulated Government-wide for review, critique, and comment. A large number of comments were received from VA and other agencies. The standard was revised, coordinated with agencies expressing concerns about significant elements of the draft, and a final standard was developed after agency consultation.

3. Q. What information is the VA required to submit to OPM with a special pay request?

A. If VA is requesting OPM concurrence with special rates it has authorized under 38 U.S.C. 4107(g) or requesting special rates under 5 U.S.C. 5303 (for occupations not covered by the title 38 authority), they are required to submit to OPM:

- Information on the number of authorized, filled, and vacant positions; turnover; and hires made over a period of 6 months or more.
- Private sector or other non-Federal salary data from either a published survey or one conducted by VA.
- Narrative information on labor market conditions, recruitment activities, actions taken to improve retention, and the impact of the staffing problem.

4. Q. Are any Federal agencies experiencing problems with either the recruitment or retention of police officers? Which agencies are experiencing such problems? Why are these problems being experienced?

A. Problems with recruitment and/or retention of Federal police officers are occurring in various locations. VA has special salary rates for police officers in 20 locations. There are police special rates for all agencies in Washington, D.C. There are special rates for DoD activities in various parts of the country.

The problems in recruitment and/or retention that have come to OPM's attention through the special rate program have been caused primarily by higher pay for police officers in state, county and local governments and the private sector.

5. Q. What recommendation has OPM made to the VA concerning the designation of VA police officers? What has been the response of the VA to these recommendations?

A. OPM has made no specific recommendations to the VA concerning the designation of VA police officers. Like other Federal agencies, VA is expected to apply classification standards issued by OPM. After the required coordination and development of final standards, they were issued to all Federal agencies for application to their police positions. The standard contains descriptions of work, titling guidance, and position classification criteria.

6. Q. Has the VA requested OPM to develop special standards for VA police officers? Have special standards been established for police officers employed by other Federal agencies? Please describe any special standards for police officers employed by other Federal agencies and compare them to standards used for VA police officers.

A. VA has neither requested, nor has OPM established any special classification standards for VA police officer positions. There are no special classification standards in effect for other police positions in Federal agencies.

7. Q. Are VA police officers eligible for early retirement? Could early retirement eligibility for VA police officers be established by administrative action? Please explain.

A. We have determined that VA police officers are not law enforcement officers for purposes of early retirement under the Civil Service Retirement System. Section 8331(20) of title 5, U.S. Code, defines a "law enforcement officer" as -

> an employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States, including an employee engaged in this activity who is transferred to a supervisory or administrative position. (Emphasis added.)

Federal police officers like those employed by the VA enforce Federal, State, and county and municipal laws and ordinances, as well as agency rules and regulations pertaining to law enforcement work.

Their duties include protection of life and property, preserving the peace, detecting and investigating accidents and crimes, and providing aid and comfort to citizens in emergency situations. While the duties of these police officers involve certain hazards not present in many other types of Federal employment, OPM has determined that their primary duty is not the "investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of the United States."

8. Q. Do VA police officers receive competitive pay and benefits (a) within the Federal government; (b) within local government; and (c) within the private sector? Please explain.

A. VA police officers are paid from the General Schedule (GS). They receive the same benefits as most other Federal police officers. Because there are special salary rates for various agencies and locations, all GS police officers at the same grade and step do not

receive the same pay. VA's title 38 special rate authority applies to its police officers and provides the mechanism to adjust salaries.

Federal police under the General Schedule are paid less than those under the separate pay systems for police officers in the legislative and judicial branches.

Comparability of Federal police salaries with those paid by local government and the private sector varies from one location to another. In the localities that have been brought to OPM's attention through special salary rate requests, Federal salaries have been lower than those paid by local government and/or the private sector.

QUESTIONS SUBMITTED BY HONORABLE BOB STUMP

1. Q. Please elaborate on the new standards for police officers and tell us how they will broaden the pool of applicants.

   A. The new qualification standard for police officers reduced the amount of experience required to qualify for positions at GS-4 and above and broadened the definition of acceptable experience. It is expected to increase the pool of qualified applicants because of the reduced qualification requirements.

2. Q. It's my understanding that VA police are categorized as "special police." How do special police duties compare to those of security guards and regular police?

   A. OPM does not recognize or use the term, "special police". Therefore, we cannot address similarities and differences between special police, security guards and regular police. In our view the officers at VA are to be titled police officers, undistinguished from others classified under the police series standard.

3. Q. What agencies and departments have special police, what are their particular duties and how much are they paid?

   A. As described above, OPM does not recognize the title or designation of "special police" and we are not aware of any other agency using this term.

4. Q. Is the Federal Protective Service composed of special police or regular police?

   A. Officers in the Federal Protective Service are classified under OPM standards as police officers. They do not carry the designation special police.